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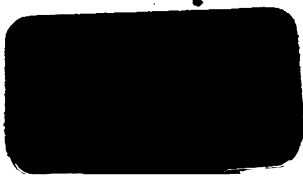
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FISH AND GAME LAWS



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MASSACHUSETTS
1911

Commissioners

GEORGE W. FIELD GEORGE H. GARFIELD

GEORGE H. GRAHAM



Massachusetts laws, statutes, etc. Game Law
FISH AND GAME LAWS

OF

MASSACHUSETTS.

PUBLISHED BY THE
COMMISSIONERS ON FISHERIES AND GAME.

COMMISSIONERS:
GEORGE W. FIELD, CHAIRMAN.
GEORGE H. GARFIELD.
GEORGE H. GRAHAM.

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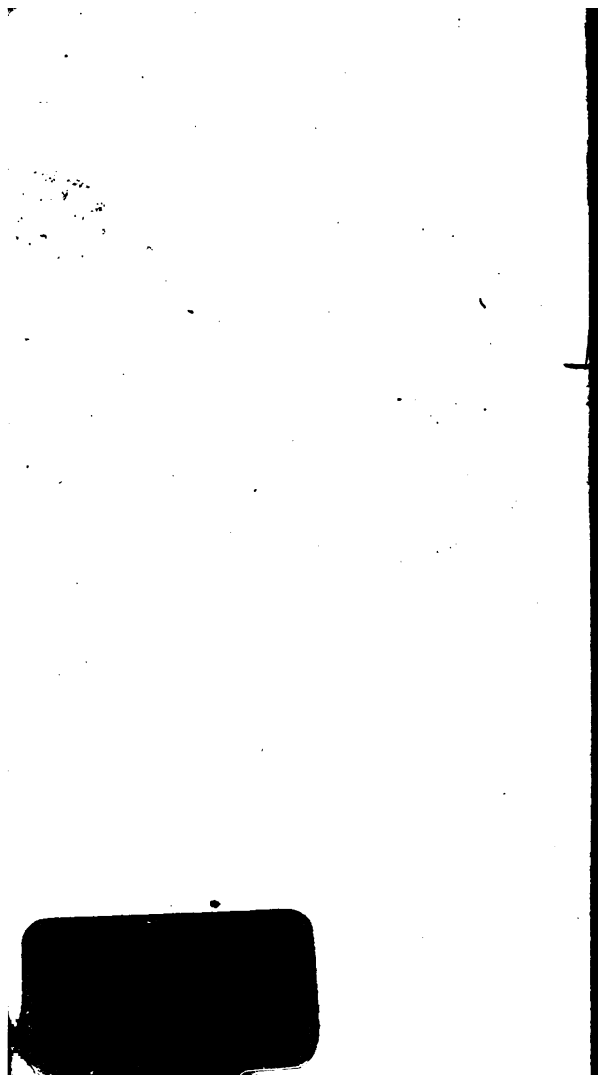
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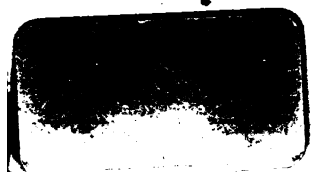


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MASSACHUSETTS
1911

Commissioners

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FISH AND GAME LAWS



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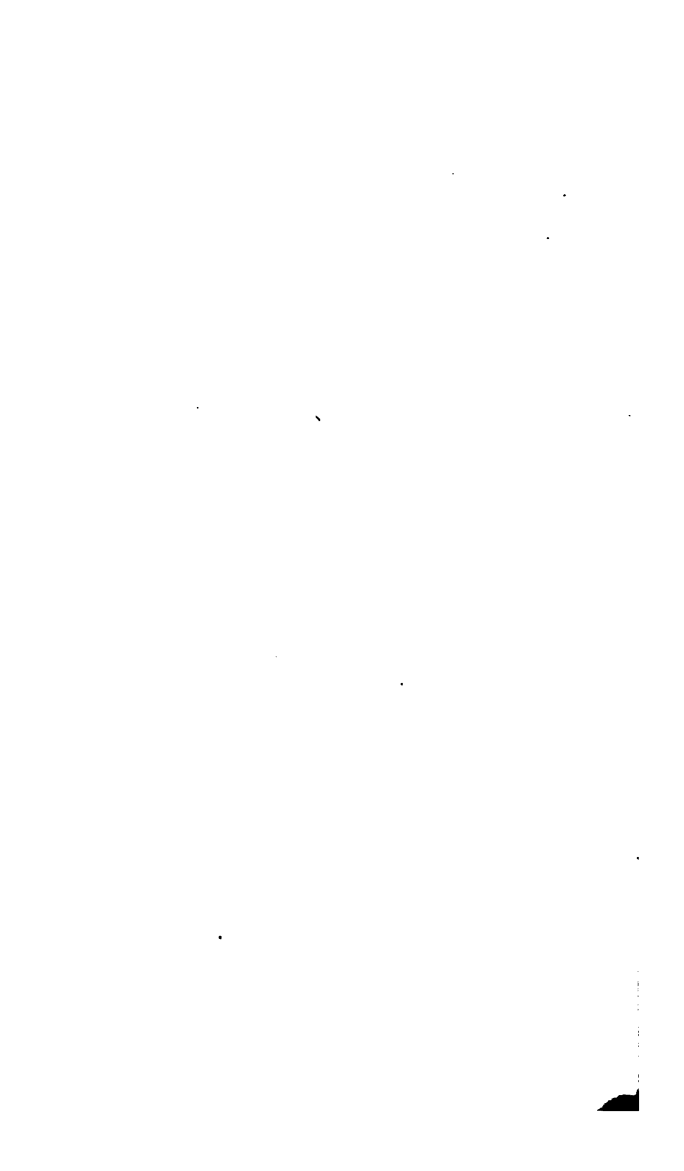
MASSACHUSETTS
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FISH AND GAME LAWS

OF

MASSACHUSETTS,

1911.

FISH.

	PENALTIES.
BLACK BASS under 8 inches in length not to be taken	\$10
PICKEREL under 10 inches in length not to be taken	\$1
TROUT and SALMON may be taken between April 1, and following July 31, inclusive	\$25
TROUT less than 6 inches in length not to be taken	\$25
WILD TROUT not to be bought, sold or offered for sale	\$25
SMELT may be taken from June 1 to following March 14, inclusive, but only with hook and hand line	\$1
LOBSTERS, alive, not to be less than 9 inches in length; boiled, not to be less than 8½ inches in length; not to be mutilated; or taken WHEN BEARING EGGS	\$5-\$100
FISH which at any time frequent fresh water may be taken only by artificially or naturally baited hook, and, except in certain ponds, 10 hooks may be set or used, provided the hooks are not arranged as a trawl	\$20 to \$50
EXPLOSIVES AND POISONS AND WASTE MATERIALS not to be placed in fishing waters	\$10
FISH, SPAWN OR ROE not to be introduced into public waters except by permit from Fish and Game Commission	\$50

GAME.		PENALTIES.
PARTRIDGE, WOODCOCK and QUAIL . . .	may be taken only on week days from Oct. 15 to following Nov. 15, inclusive . . .	\$20
DUCKS, GEESE and BRANT . . .	may be taken and sold only between Sept. 15, and Dec. 31 following, inclusive; bag limit on black ducks 15 in one day; night shooting prohibited . . .	\$20
LOONS . . .	not to be hunted or killed on fresh water . . .	\$20
HARES and RABBITS . . .	may be taken only between Oct. 15 and Feb. 28 following, inclusive . .	\$10
GRAY SQUIRRELS . . .	may be killed only from Oct. 15 to Nov. 14, inclusive, unless doing damage to buildings or crops . .	\$10

DEER	between sunrise of Nov. 20 and sunset of Nov. 25, in counties of Berkshire, Franklin, Hampshire, Hampden and Worcester, may be killed with a shotgun, but at no other time unless in act of damaging cultivated crops . . .	\$100 \$20-\$50
Not to be chased with dogs Damages by deer to be reimbursed.		
TRAPPING, SNARING and FERRETING .	prohibited	\$10-\$20
PHEASANTS, and GRAY or HUNGARIAN PARTRIDGE	not to be killed at any time or held in possession	\$50
WILD TURKEYS	hunting, importing or liberating prohibited	\$20
INSECTIVOROUS and SONG BIRDS, WOOD DUCK, SWANS, WILD PIGEONS, UPLAND PLOVER, PIPING AND KILLDEER PLOVER, HERONS, BITTERN, EAGLES, FISH HAWKS, MARSH HAWKS, SMALL OWLS, GULLS and TERNS	not to be killed, captured, or held in possession at any time, or feathers used for millinery purposes .	\$10-\$50

GAME — Con.		PENALTIES.
PLOVER, SNIBE, RAIL and MARSH or BEACH BIRDS	may be taken and sold only between Aug. 1 and Dec. 31 following, in- clusive	\$20
SALE of PARTRIDGE, PRAIRIE CHICKENS and WOODCOCK	prohibited	\$20
SALE of QUAIL killed in the State	prohibited	\$20
SALE of SHORE, MARSH and BEACH BIRDS	prohibited except during open sea- son, for each offence	\$20
SENDING or carrying game out of the State	prohibited	\$10-\$20
HUNTING on the Lord's Day	prohibited	\$10-\$20
KILLING or POSSESSION of PINNATED GROUSE (HEATH HEN)	prohibited	\$100

NOTE. — The commissioners request that, in cold, stormy weather, or when the ground is covered with deep snow, citizens will feed the wild birds as opportunity comes to them. The sweepings of barn floors or refuse from stables will do much to relieve suffering and preserve life. Pieces of meat or fat hung to branches of trees will be eaten by birds.

FISH LAWS.

REVISED LAWS, CHAP. 91.

AUTHORITY OF COMMISSIONERS ON FISHERIES AND GAME, ETC.

What constitute fisheries laws.

SECTION 1. All laws relative to the culture, preservation, capture or passage of fish shall be known as the laws relative to fisheries.

Appointment of fish and game commissioners.

SECTION 2. There shall be a board of commissioners on fisheries and game consisting of three persons who shall be appointed by the governor, with the advice and consent of the council, for the term of five years from the time of their appointments and who shall be removable at the pleasure of the governor.

AS AMENDED BY ACTS OF 1905, CHAP. 407.

Authority to remove obstructions to migratory fish.

SECTION 3. The commissioners are empowered to appoint deputies, and each of the commissioners, the deputies of the commissioners or members of the district police may enforce the laws regulating fisheries; and may seize and remove, summarily if need be, all illegal obstructions to the passage of migratory fish except dams, mills or machinery, at the expense of the persons using or maintaining the same.

ACTS OF 1908, CHAP. 417.

Authority of the commissioners and their deputies to enforce laws.

SECTION 1. The commissioners on fisheries and game and their salaried deputies shall have and exercise throughout the commonwealth for

the enforcement of the laws relating to fish, birds and mammals, all the powers of constables, except the service of civil process, and of policemen and watchmen. The said salaried deputies when on duty shall wear, and shall display as a token of authority, a metallic badge bearing the seal of the commonwealth and the words "Deputy Fish and Game Commissioner."

SECTION 2. Any person not being a salaried deputy of said commission on fisheries and game who shall possess or wear the above described badge shall be punished by a fine of ten dollars for every such offence.

SECTION 3. The commissioners on fisheries and game, with the approval of the governor, may in writing authorize any of their salaried deputies to have in possession and carry a revolver, club, billy, handcuffs and twisters, or such other weapon or article as may be required in the performance of their official duty.

ACTS OF 1908, CHAP. 255.

May require display for inspection.

A commissioner on fisheries and game or any duly authorized deputy commissioner, receiving a salary from the commonwealth, may request of any person whom said commissioner or deputy commissioner reasonably believes to be engaged in the taking, killing, hunting or snaring of fish, birds or animals, contrary to law, that such person shall forthwith display for the inspection of such commissioner or deputy commissioner, any and all fish, birds and animals then in his possession; and upon refusal to comply with such request said commissioner or duly authorized deputy commissioner may arrest without warrant the person so refusing.

Can arrest without warrant.

SECTION 4. The commissioners and their deputies, members of the district police and all officers qualified to serve criminal process may

arrest without warrant any person whom they find violating any of the fish or game laws, except that persons engaged in the business of regularly dealing in the buying and selling of game as an article of commerce shall not be so arrested for having in possession or selling game at their usual places of business.

ACTS OF 1904, CHAP. 367, AS AMENDED BY ACTS OF 1910, CHAP. 548.

Right of search.

SECTION 1. Any commissioner on fisheries and game, deputy commissioner on fisheries and game, or member of the district police, may, with or without a warrant, search any boat, car, box, locker, crate or package, and any building, where he has reason to believe any game or fish taken or held in violation of law is to be found, and may seize any game or fish so taken or held, and any game or fish so taken or held shall be disposed of by the commissioners on fisheries and game as they may deem advisable for the best interests of the commonwealth: *provided, however*, that this section shall not authorize entering a dwelling house, or apply to game or fish which is passing through this commonwealth under authority of the laws of the United States.

SECTION 2. A court or justice authorized to issue warrants in criminal cases shall, upon complaint under oath that the complainant believes that any game or fish unlawfully taken or held is concealed in a particular place, other than a dwelling house, if satisfied that there is reasonable cause for such belief, issue a warrant to search therefor. The search warrant shall designate and describe the place to be searched and the articles for which search is to be made, and shall be directed to any officer named in section one of this act, commanding him to search the place where the game or fish for which he is required to search is believed to be concealed, and to seize such game or fish.

ACTS OF 1907, CHAP. 299.

Duties with respect to forest and other fires.

The commissioners on fisheries and game and their duly authorized deputies may arrest without a warrant any person found in the act of unlawfully setting a fire. Said commissioners and their deputies may require assistance according to the provisions of section twenty of chapter thirty-two of the Revised Laws, and they shall take precautions to prevent the progress of forest fires, or the improper kindling thereof, and upon the discovery of any such fire shall immediately summon the necessary assistance, and notify the forest fireward of the town.

ACTS OF 1911, CHAP. 173.

Pulling down stone walls or fences.

The commissioners on fisheries and game and their duly authorized deputies may arrest without a warrant any person found in the act of wilfully pulling down a stone wall or fence, or otherwise violating the provisions of section ninety-one of chapter two hundred and eight of the Revised Laws.

To regulate brook fishing.

SECTION 5. If the owner of land within which a brook is wholly or partly situated agrees that such brook or part thereof shall be open to the public after the expiration of three years as hereinafter provided, the commissioners may, upon petition of thirty or more inhabitants of a city or town within which such brook is wholly or partly situated, including such owner, or upon petition of the mayor and aldermen of such city or the selectmen of such town and such owner, cause such brook to be stocked with food fish; and shall then make reasonable regulations, which shall be in force for a period of not more than three years, relative to fishing in such brook, may affix penalties of not more than twenty dollars

for each violation thereof and shall cause such regulations to be enforced. There shall be allowed and paid annually from the treasury of the commonwealth an amount not exceeding five hundred dollars to carry out the provisions of this section.

Commissioners' authority to take fish.

SECTION 6. The commissioners may take fish or cause them to be taken at any time or in any manner for purposes connected with fish culture or scientific observation.

AS AMENDED BY ACTS OF 1902, CHAP. 164.

Fishing permits.

SECTION 7. The board of commissioners on fisheries and game may issue permits for the taking of sand eels in the tidal waters of the Merrimac and Ipswich rivers and Plum Island sound, and their tributaries. Said permits shall be issued without any fee therefor, and shall be revocable at the discretion of the commissioners.

ACTS OF 1902, CHAP. 178.

Investigations.

The authority of the commissioners on fisheries and game shall extend to the investigation of questions relating to fish and fisheries, or to game, and they may from time to time, personally or by assistants, institute and conduct inquiries pertaining to such questions.

ACTS OF 1911, CHAP. 217.

Colonising insect-destroying birds within infested regions.

The commissioners on fisheries and game are hereby authorized to make an investigation of the means by which those birds which feed upon gypsy moths, brown tail moths, leopard moths, cut worms, and other noxious insects, can be increased or colonized within infested regions or in special locations.

ACTS OF 1906, CHAP. 327.

Protection of property and material used by the commissioners on fisheries and game in making scientific investigations.

Whoever wilfully and without right enters in or upon any building or other structure or any area of land or water set apart and used by or under authority of the commissioners on fisheries and game for conducting scientific experiments or investigations after said commissioners have caused printed notices of such occupation and use and the purposes thereof to be placed in a conspicuous position adjacent to any such areas of land or water or upon any such building or other structure, and any person who wilfully and maliciously injures or defaces any such building or other structure or any notice posted as aforesaid, or injures or destroys any property used in such experiments or investigations, or otherwise interferes therewith, shall be punished by imprisonment for not more than six months or by a fine of not more than two hundred dollars. And said commissioners and their deputies are hereby authorized to arrest without warrant any person found violating the provisions of this act.

ACTS OF 1910, CHAP. 460.

Discharge of waste materials into the streams of the commonwealth.

SECTION 1. If the commissioners on fisheries and game determine that the fisheries of any brook or stream in this commonwealth may be of sufficient value to warrant the prohibition or regulation of the discharge or escape of sawdust, shavings, garbage, ashes, acids, sewage, dye stuffs, and other waste material from any particular sawmill, manufacturing or mechanical plant, or dwelling house, stable or other building, which may, directly or indirectly, materially injure such fisheries, they may by an order in writ-

ing to the owner or tenant of such sawmill, manufacturing or mechanical plant, dwelling house, stable or other building prohibit or regulate the discharge or escape of sawdust, shavings, garbage, ashes, acids, sewage, dye stuffs, and other waste material therefrom into such brook or stream. Such order may be revoked or modified by them at any time. Before any such order is made said commissioners shall, after reasonable notice to all parties in interest, give a public hearing in the county where the sawmill, manufacturing or mechanical plant, dwelling house, stable or other building to be affected by the order is located, at which hearing any citizens shall have the right to be heard on the questions to be determined by the commissioners. Upon petition of the party aggrieved by such order, filed within six months after the date thereof, the superior court, sitting in equity, may, after such notice as it may deem sufficient, hear all interested parties and annul, alter or affirm the order. If such petition is filed by the party aggrieved by said order within ten days after the date thereof said order shall not take effect until altered or affirmed as aforesaid. Whoever, having so been notified, discharges sawdust, shavings, garbage, ashes, acids, sewage, dye stuffs, and other waste materials, or suffers or permits it to be discharged or to escape from said plant under his control into a brook or stream in violation of the order of said commissioners, or of said court, if an appeal is taken, shall be punished by a fine of not more than twenty-five dollars for the first offence and of fifty dollars for a second offence.

SECTION 2. Section eight of chapter ninety-one of the Revised Laws, as amended by chapter three hundred and fifty-six of the acts of the year nineteen hundred and six, is hereby repealed.

SECTION 3. This act shall take effect on the first day of January in the year nineteen hundred and eleven.

FISHWAYS.

AS AMENDED BY ACTS OF 1904, CHAP. 365.

Authority to examine dams and fishways.

SECTION 9. The commissioners may examine all dams upon rivers where the law requires fishways to be maintained, or where in their judgment fishways are needed, and they shall determine whether the fishways, if any, are suitable and sufficient for the passage of the fish in such rivers, or whether in their judgment a fishway is needed for the passage of fish over any dam; and shall prescribe by an order in writing what changes or repairs, if any, shall be made therein, and where, how and when a new fishway must be built, and at what times the same shall be kept open, and shall give notice to the owners of the dams accordingly. The supreme judicial court, or the superior court, shall, upon the petition of the commissioners, have jurisdiction in equity or otherwise to enforce any order made in accordance with the provisions of this section, and to restrain any violation of such order.

Notification of dam owners.

SECTION 10. Such owners shall be notified by serving upon them a copy of the order; and a certificate of the commissioners that service has been so made shall be deemed sufficient proof thereof.

Liability of owners.

SECTION 11. Any owner of such a dam who refuses or neglects to keep open or maintain a fishway at the times prescribed by the commissioners shall forfeit fifty dollars for each day of such refusal or neglect.

Commissioners can build fishways.

SECTION 12. If, in the opinion of the commissioners, a passage for edible fish should be pro-

vided, or if any one of the commissioners finds that there is no fishway or an insufficient fishway in or around a dam where a fishway is required by law to be maintained, any one of the commissioners may, in his discretion, enter with workmen and materials upon the premises of the person required to maintain a fishway there and may, at the expense of the commonwealth, if in the opinion of the commissioners the person required by law to construct or maintain such fishway is not able to afford such expense, improve an existing fishway, or cause one to be constructed if none exists, and may, if necessary, take the land of any other person who is not obliged by law to maintain said fishway; and if a fishway has been constructed in accordance with the provisions of this section, the commissioners shall not require the owner of the dam to alter such fishway within five years after the completion thereof.

Settlement of damages.

SECTION 13. All damages which are caused by taking land as provided in the preceding section, shall, upon the application of either party, be estimated in the same manner as land which has been taken for a highway and shall be paid by the commonwealth. Said expense shall be a charge against the person who is required by law to construct and maintain such fishway and shall be recovered in an action of contract in the name of the commonwealth, with costs and with interest at the rate of twelve per cent per annum.

Passage over private land.

SECTION 14. Each of the commissioners may, in the performance of his duties, enter upon and pass through or over private property.

INSPECTION OF FISH.

ACTS OF 1902, CHAP. 138.

Powers and duties of commissioners.

SECTION 1. The office of inspector general of fish is hereby abolished.

SECTION 2. The powers and duties heretofore conferred and imposed upon the inspector general of fish are hereby conferred and imposed upon the board of commissioners on fisheries and game.

SECTION 3. Said board may appoint in every town in which fish is packed for export, inspectors of fish, who shall be sworn before them or before a justice of the peace, and shall give bond to them with sufficient sureties, and be removable at the discretion of said board. Each inspector shall once in six months make the returns to said board necessary to carry into effect the provisions of chapter fifty-six of the Revised Laws.

SECTION 4. The inspectors of fish shall have the powers and perform the duties heretofore conferred and imposed upon the deputy inspectors of fish, but shall pay to the commissioners on fisheries and game the proportion of fees formerly paid to the inspector general of fish. Said commissioners shall pay the fees received from the inspectors into the treasury of the commonwealth on the first Monday of January and the first Monday of July in each year, and shall include a brief statement of the work of fish inspection and of the fees received therefor, in their annual report.

SECTION 5. Sections three and four of chapter fifty-six of the Revised Laws are hereby repealed.

ACTS OF 1903, CHAP. 196.

Publication of returns of inspection of fish.

SECTION 1. Section five of chapter fifty-six of the Revised Laws, which provides for an annual return and publication relative to the inspection of fish, is hereby repealed.

FISHERIES IN GREAT PONDS.**Public rights in great ponds.**

SECTION 15. The fishery of a pond, the area of which is more than twenty acres, shall be public, except as hereinafter provided; and all persons shall, for the purpose of fishing, be allowed reasonable means of access thereto.

Commissioners may occupy certain ponds.

SECTION 16. The commissioners may occupy, manage and control not more than six great ponds, except such as have reverted in the commonwealth for breach of the terms and conditions of any lease thereof, for the purpose of cultivating useful fish and of distributing them within the commonwealth; and may occupy not more than one-tenth part thereof with enclosures and appliances for the purpose of such cultivation; but this privilege shall not affect any public rights to such ponds, other than the right of fishing, and the appliances and enclosures shall be so placed as not to debar ingress to or egress from such ponds at proper places.

SECTION 17. If the commissioners determine so to occupy and improve any such pond, they shall post a notice of such purpose in a public place in the town or towns in which said pond is situated and file a like notice in the office of the clerk of each of said towns and in the office of the secretary of the commonwealth. The affidavit of an officer qualified to serve civil process that such notice has been posted shall be deemed full proof thereof.

SECTION 18. After such notice has been so filed and posted, any violation of any of the rights of said commissioners under the provisions of section sixteen shall be punished as provided in section twenty-nine.

ACTS OF 1911, CHAP. 185.

Introduction of fish into state waters.

SECTION 1. It shall be unlawful to put in any of the public waters, or in any waters connecting therewith, any species of fish, or the roe, spawn or fry thereof, without having first secured the written approval of the commissioners on fisheries and game.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine not exceeding fifty dollars.

ACTS OF 1911, CHAP. 285.

Stocking great ponds with food fish.

SECTION 1. The board of commissioners on fisheries and game, upon the petition of the mayor and aldermen of a city or of the selectmen of a town within which a great pond or a part thereof is situated, shall cause the pond to be stocked with such food fish as the board judges to be best suited to the waters thereof: *provided*, that a public hearing upon the matter has previously been given within such city or town by the mayor and aldermen, or by the selectmen, notice of which, at least ten days before the day of the hearing, has been posted in three or more public places and published in a newspaper in such city or town, if there be any, and if not, then in a newspaper published in the county in which the pond is situated. In a town such a hearing need not be given, if the town at an annual or a special meeting has instructed the selectmen to file such a petition. When a great pond is not situated wholly within a city or town, the board of commissioners on fisheries and game shall not proceed under the provisions of this act with respect to that pond, unless a majority of the cities and towns bordering upon that pond have filed petitions as aforesaid. The board shall thereupon prescribe, for a period not exceeding

three years, such reasonable regulations relative to fishing in the pond and its tributaries, with such penalties not exceeding twenty dollars for one offence, as they deem to be for the public interest, and shall cause such regulations to be enforced; but the provisions of this act shall not apply to ponds used as sources of public water supply. The commissioners may restock such pond and may extend such reasonable regulations for periods not exceeding three years each whenever they receive a petition therefor as herein provided. Five hundred dollars shall annually be appropriated by the commonwealth to carry out the provisions of this section.

SECTION 2. Section nineteen of chapter ninety-one of the Revised Laws, as amended by chapter two hundred and seventy-four of the acts of the year nineteen hundred and three, and by chapter three hundred and six of the acts of the year nineteen hundred and seven, is hereby repealed.

Mill pond, Yarmouth.

SECTION 20. The commissioners may occupy and control Mill pond, in the town of Yarmouth, for the purpose of cultivating food fish for distribution within the commonwealth. Whoever, without the written consent of the commissioners, fishes in said pond in any other manner than with hand line and single hook, shall forfeit not less than fifty nor more than two hundred dollars for the first offence, and not less than one hundred nor more than two hundred dollars for any subsequent offence.

Measurement of ponds.

SECTION 21. The county commissioners shall, in July, upon the request and at the expense of any persons who claim to be interested in a great pond, cause a measurement thereof to be made which shall be recorded in the office of the town

clerk of each town within which such pond is situated; and no arm or branch shall be included as a part of a pond unless it is at least fifty feet in width and one foot in depth.

SECTION 22. The selectmen of a town may measure ponds which are wholly within their town, in the manner provided in the preceding section, and such measurement shall be recorded in the office of the town clerk.

Private ownership of ponds.

SECTION 23. The riparian proprietors of any pond, the area of which is not more than twenty acres, and the proprietors of any pond or parts of a pond created by artificial flowing shall have exclusive control of the fisheries therein.

Private ownership of ponds bounded in part by public lands.

SECTION 24. A pond which is not more than twenty acres in area and is bounded in part by land belonging to a town or county shall become the exclusive property of the individual proprietors as to the fisheries therein only upon payment to the town treasurer, county commissioners or treasurer and receiver general of a just compensation for their respective rights therein, to be determined by three persons, one of whom shall be a riparian proprietor of said pond, one the chairman of the board of selectmen, if the rights of a town are in question, or of the county commissioners, if the rights of a county or of the commonwealth are in question, and one to be appointed by the commissioners on fisheries and game.

SECTION 25. Whoever, without the written consent of the proprietor or lessee of a natural pond, the area of which is not more than twenty acres, or of an artificial pond of any size, in which fish are lawfully cultivated and maintained, takes any fish therefrom, shall forfeit not more than twenty-five dollars for each offence.

AS AMENDED BY ACTS OF 1904, CHAP. 303.

Prohibited apparatus for pond fishing.

SECTION 26. Whoever draws, sets, stretches or uses a drag net, set net, purse net, seine or trawl, or whoever sets or uses more than ten hooks for fishing, in any pond, or aids in so doing, shall be punished by a fine of not less than twenty nor more than fifty dollars. The provisions of this section shall not affect the rights of riparian proprietors of ponds mentioned in section twenty-three or the corporate rights of any fishing company.

CONTROL OF FISHERIES BY RIPARIAN PROPRIETORS.

For cultivation of fish.

SECTION 27. A riparian proprietor of an un-navigable stream may, within the limits of his own premises, enclose the waters thereof for the cultivation of useful fish *if he furnishes a suitable passage for migratory fish naturally frequenting such waters.*

When fish are private property.

SECTION 28. Fish which are artificially propagated or maintained shall be the property of the person propagating or maintaining them. A person who is legally engaged in their culture and maintenance may take them in his own waters at pleasure, and may have them in his possession for purposes properly connected with said culture and maintenance, and may at all times sell them for these purposes, but shall not sell them for food at seasons when their capture is prohibited by law.

Penalty for unauthorized fishing.

SECTION 29. Whoever, without the permission of the proprietors, fishes in that portion of a pond, stream or other water in which fish are lawfully cultivated or maintained shall forfeit not

less than one nor more than twenty dollars for the first offence, and not less than five nor more than fifty dollars for any subsequent offence.

Definition of navigable stream.

SECTION 30. For the purposes of this chapter, no tidal stream shall be considered navigable above the point where, on the average throughout the year, it has a channel less than forty feet wide and four feet deep during the three hours nearest the hour of high tide.

Governor can fix bounds.

SECTION 31. The governor, with the advice and consent of the council, may, for the purposes of this chapter, arbitrarily fix and define the tidal bounds and mouths of streams upon the recommendation of the commissioners on fisheries and game.

Governor can limit fishing.

SECTION 32. The governor may, in like manner, limit or prohibit, for not more than five years at any one time, fishing in the navigable tidal waters and in the unnavigable waters of specified streams, except in such portions as may be enclosed according to provisions of section twenty-seven; and whoever fishes in streams where the right of fishing is thus limited or prohibited shall forfeit ten dollars for the first offence and fifty dollars for each subsequent offence.

Proprietor's rights.

SECTION 33. The riparian proprietor on an unnavigable tidal stream, enclosed or unenclosed, in which fish are lawfully cultivated or maintained shall have the control of the fishery thereof within his own premises and opposite thereto to the middle of the stream, and a riparian proprietor at the mouth of such stream, shall also have control of the fishing thereof beyond and

around the mouth of the stream so far as the tide ebbs, if it does not ebb more than eighty rods; and whoever fishes within these limits without permission of such owner shall forfeit not less than one nor more than twenty dollars for the first offence and not less than five nor more than fifty dollars for each subsequent offence.

SHAD, HERRING AND ALEWIVES.

ACTS OF 1908, CHAP. 298.

Prohibits the taking of herring in Hull and Quincy bays, Hingham harbor and parts of Boston harbor by means of torches or other artificial light.

SECTION 1. It shall be unlawful for any person to display torches or other light designed or used for the purpose of taking herring in Hull bay, Quincy bay, Hingham harbor, or in any waters southerly of a line drawn from Moon Island to Pemberton.

SECTION 2. Whoever violates the provisions of this act shall, for a first offence, be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than six nor more than twelve months, or by both such fine and imprisonment, and for a second offence, by both said fine and imprisonment.

ACTS OF 1909, CHAP. 194

Prohibits the taking of herring in Lynn harbor or its vicinity by means of torches or other light.

SECTION 1. No person shall display torches or other light designed or used for the purpose of taking herring or other fish in Lynn harbor and its vicinity, from a line drawn from Bass Point in the town of Nahant to Ocean Pier in the town of Revere, or in Saugus river or Pines river, so-called, or in any tributary thereof.

SECTION 2. Whoever violates the provisions of this act shall be punished for a first offence by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less

than six nor more than twelve months, or by both such fine and imprisonment, and for a second offence by both such fine and imprisonment.

ACTS OF 1910, CHAP. 494, AS AMENDED BY ACTS OF 1911, CHAP. 103.

Regulates torching in the waters of Cohasset, Scituate, Duxbury, Kingston and Plymouth.

SECTION 1. It shall be unlawful for any person to display torches or other light designed or used for the purpose of taking herring or other fish in any of the waters of Cohasset and Scituate southwesterly of a line drawn from Little Black Rock to Gull Island, or in the waters of Duxbury and Plymouth harbors westerly of a line drawn from Pier Head to Saquish Head, or in the waters of the town of Kingston: *provided, however*, that the selectmen of the towns of Cohasset, Scituate, Duxbury, Kingston and Plymouth may grant permits for the display of torches or other light for the purposes aforesaid, within the limits of their respective towns as herein described, with such restrictions as in their judgment will prevent the same from constituting a nuisance; and they may at any time revoke any such permit.

SECTION 2. Whoever violates the provisions of this act shall be punished for a first offence by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than six nor more than twelve months, or by both such fine and imprisonment, and for a second offence by both such fine and imprisonment.

ACTS OF 1911, CHAP. 164.

Regulates the taking of fish by means of torches or other artificial light in the waters of Winthrop.

SECTION 1. It shall be unlawful for any person to display torches or other light designed or used for the purpose of taking herring or other fish in any waters of the town of Winthrop: *provided, however*, that the selectmen of said town

may grant permits for the display of torches or other lights for the purposes aforesaid within the limits of the town, with such restrictions as in their judgment will prevent the same from constituting a nuisance; and they may at any time revoke any such permit.

SECTION 2. Whoever violates the provisions of this act shall be punished for a first offence by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than six nor more than twelve months, or by both such fine and imprisonment, and for a second offence by both such fine and imprisonment.

ACTS OF 1909, CHAP. 291.

In the waters in and about Nahant bay, Beverly harbor and Salem bay.

SECTION 1. It shall be unlawful for any person to display torches or other light designed or used for the purpose of taking herring or other fish, in Nahant bay, Beverly harbor, Salem bay, or in the vicinity or in any inlet therein, or in any waters westerly and northwesterly of a line drawn from East Point, Nahant, to Egg Rock, to Ram island, to Tinker's island, to Lowell island, to Baker's island, to the eastern end of Great Misery island, then to the southern point of Gale's Head, Manchester, including Manchester harbor and Bass river, Beverly, and its tributaries: *provided, however,* that the boards of health of the cities of Beverly and Salem and of the towns of Danvers, Manchester and Marblehead may grant permits for the display of torches or other light for the purpose aforesaid, within the limits of their respective cities and towns during the months of October to April, inclusive, of any year, with such restrictions as in their judgment will prevent the same from constituting a nuisance; and they may at any time revoke any such permit.

SECTION 2. Whoever violates any provision of this act shall, for a first offence, be punished by

a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than six months nor more than twelve months, or by both such fine and imprisonment; and for a second offence, by both such fine and imprisonment.

Rights of towns and cities.

SECTION 34. A city or town may open ditches, sluiceways or canals into any pond within its limits for the introduction and propagation of herring or alewives, and for the creation of fisheries for the same; and land for opening such ditches, sluiceways or canals within such city or town may be taken according to the provisions of law for the taking of land for highways.

SECTION 35. A city or town which creates such fishery shall own it, may make regulations concerning it and may lease it for not more than five years, upon such terms as may be agreed upon. A town may lease for a like period, and upon like terms, any fishery owned by it or any public fishery regulated and controlled by it.

SECTION 36. Whoever takes, kills or hauls on shore any herring or alewives in a fishery created by a city or town, without its permission or that of its lessees, or in a fishery created by a corporation, without the permission of such corporation, shall forfeit not less than five nor more than fifty dollars. Prosecutions under the provisions of this section shall be commenced within thirty days after the commission of the offence.

Personal rights.

SECTION 37. The provisions of the three preceding sections shall not impair the rights of any person under any law passed before the twenty-fifth day of April in the year eighteen hundred and sixty-six or under any contract then existing or authorize a city or town to enter upon or build canals or sluiceways into a pond which is the private property of a person or corporation.

ACTS OF 1904, CHAP. 321.

Relative to alewife fishery, Sandwich.

SECTION 1. Levi S. Nye and John A. Holway, their heirs and assigns, shall have for the term of ten years from the date of the passage of this act, the exclusive right to take and catch alewives in the stream known as "Mill River", from its sources in the "Shawme Lakes or Ponds", so-called, through the marshes in the town of Sandwich to the waters of Cape Cod bay: *provided*, that the said Nye and Holway, their heirs and assigns, shall construct and maintain a good and sufficient passageway over or around the dam or dams which now are or may hereafter be erected upon said stream to enable fish to enter the ponds above such dam or dams, and shall keep such passageway open and unobstructed from the first day of April to the fourteenth day of June, inclusive, of each year.

SECTION 2. Said Nye and Holway, and their heirs and assigns, may catch alewives during two thirds of the period specified in section one, that is to say, upon fifty days out of the seventy-five days between the first day of April and the fourteenth day of June, inclusive, of each year.

SECTION 3. Any person or persons taking alewives in said Mill river or in the said lakes or ponds without the written consent of the said Nye and Holway, or of their heirs and assigns, shall, upon the complaint of said Nye or Holway, or of their or any of their heirs or assigns, or of any person in their behalf, forfeit not less than ten nor more than twenty dollars for each offence. Half of every such forfeiture shall be paid to said Nye and Holway or to their heirs or assigns.

ACTS OF 1904, CHAP. 232.

Hummock pond, Nantucket.

SECTION 1. The inhabitants of the island of Nantucket may take alewives or herring with

seines or nets in Hummock pond, south of the bridge in the said island, from the tenth day of March to the thirty-first day of May, inclusive, in each year; but all fish, other than alewives or herring, caught or taken in such seines or nets shall immediately be put back in the water whence they were taken.

SECTION 2. Any person violating the provisions of this act, by failing to put back immediately as aforesaid fish other than alewives or herring caught or taken as aforesaid, shall be punished by a fine of not less than twenty nor more than fifty dollars.

SECTION 3. So much of section twenty-six of chapter ninety-one of the Revised Laws as is inconsistent herewith is hereby repealed.

Fishing in Connecticut river.

SECTION 38. Whoever takes or aids in taking from the Connecticut river or its tributaries any shad or alewives between the first day of July and the fifteenth day of March shall forfeit one hundred dollars for each offence.

Fishing in Merrimac river.

SECTION 39. Whoever, from the first day of March to the thirty-first day of May, takes alewives above tidal waters in the Merrimac river or any tributary thereof between sunrise on Friday morning and sunrise on Monday morning shall, except as provided in section forty-one, forfeit for each alewife so taken not less than one nor more than five dollars.

SECTION 40. No person shall take shad in the Merrimac river in any manner between the first day of July and the first day of April.

Regulation of nets in Merrimac river.

SECTION 41. Whoever takes shad or alewives in that part of the Merrimac river where the tide ebbs and flows, by the use of a gill net of any

description, or of a sweep seine having a mesh which stretches less than one and three-quarters inches, shall forfeit twenty-five dollars for each offence.

Methods and times of fishing.

SECTION 42. Whoever takes shad or alewives, except in the Connecticut, Taunton Great, Nemasket and Merrimac rivers and their tributaries, in any other manner than by naturally or artificially baited hook and hand line, on Sunday, Tuesday or Thursday, and whoever, between the fifteenth day of June and the first day of March, takes shad, except in the Connecticut and Merrimac rivers, or alewives, shall forfeit for each shad five dollars, and for each alewife twenty-five cents.

Rights of lessees in Dukes County.

SECTION 43. Lessees from the commissioners on fisheries and game of any body of water in the county of Dukes County and all other persons having the right to take alewives in any other waters in said county may at any time take alewives from said waters and from the ditches connecting them with each other and with the ocean. Whoever, other than said lessees or any other person duly authorized, takes any fish, except eels, from any of said waters or ditches without the previous permission in writing of said lessees or of said duly authorized persons shall forfeit one dollar for each fish so taken.

ACTS OF 1910, CHAP. 529.

Leasing of Tisbury Great Pond by the board of commissioners on fisheries and game.

SECTION 1. The board of commissioners on fisheries and game may in the name of the commonwealth lease from time to time until January first, nineteen hundred and twenty, for a term not exceeding five years at any one time, the

pond known as Tisbury Great Pond, in the county of Dukes County, with the arms, coves and bays connected therewith, for the purpose of cultivating useful fishes, on such terms and conditions as may seem to them expedient: *provided*, that nothing herein shall affect the right of any citizen of the commonwealth to take fish in said pond or in the waters connected therewith by hook and line, according to the laws now or hereafter in force relating to the taking of fish by hook and line.

SECTION 2. Before making such lease or leases the commissioner shall appoint a time and place for a hearing upon the application therefor and shall give notice of the hearing to every town within the limits of which any part of said pond lies.

SECTION 3. The rental of said pond, arms, bays and coves shall be one hundred and twenty-five dollars a year, payable by the lessees thereof on the first day of March annually to the treasurers of the towns of West Tisbury and Chilmark, one half part to each.

SECTION 4. Any town within the limits of which any part of said pond lies may for the purpose of cultivating useful fishes take a lease of said pond and appropriate money therefor, at the rental aforesaid and upon such conditions as may be agreed upon by such town and the aforesaid commissioners, provided that the said pond is not already leased.

SECTION 5. The commissioners may fix the limits of the said pond and the arms, coves and bays connected therewith, which limits being recorded in the registry of deeds for said county shall be taken to be the legal limits thereof for all the purposes of this act.

SECTION 6. The commissioners shall have the custody of all such leases, and may cause any agreements, rights, reservations, forfeitures and conditions therein contained to be enforced, and

for that purpose may institute proceedings in the name of the commonwealth and may take possession of any premises for breach of condition of such lease, and after revesting the commonwealth therewith may again lease the same.

SECTION 7. This act shall take effect upon its passage.

ACTS OF 1904, CHAP. 132.

Authority of officers on Palmer's river.

SECTION 1. The sheriff of the county of Bristol or any of his deputies, or any constable or fish warden of either of the towns of Swansea and Rehoboth, may without a warrant arrest any person whom he finds in the act of taking herring, alewives or shad from the waters of Palmer's river in either of said towns in violation of the provisions of chapter one hundred and thirty of the acts of the year eighteen hundred and thirty-six, or of chapter ninety-two of the acts of the year eighteen hundred and fifty-two, and may detain such person in a place of safe keeping until a warrant can be procured upon a complaint against him for said offence: *provided*, that the detention without a warrant shall not exceed twenty-four hours.

SECTION 2. Whoever violates the provisions of either of said chapters shall, in addition to the forfeitures therein provided, forfeit the seines or nets used in such unlawful taking of herring, alewives or shad.

**REGULATION OF FISHING NEAR FISHWAYS,
WITH NETS, AND ON CONNECTICUT AND MER-
RIMAC RIVERS.**

On Connecticut river.

SECTION 44. Whoever takes any fish within two hundred yards of any fishway on the Connecticut river or its tributaries, or trespasses within the limits of such fishway, shall forfeit fifty dollars for each offence. Whoever takes any

fish beyond two hundred and within four hundred yards of any such fishway, in any other manner than by artificially or naturally baited hook and line, shall forfeit twenty-five dollars for each fish so taken.

On Merrimac river.

SECTION 45. Whoever takes any fish within four hundred yards of any fishway on the Merrimac river, or trespasses within the limits of such fishway, shall forfeit fifty dollars for each offence.

Net fishing season, Merrimac river.

SECTION 46. Whoever, from the last day of May to the first day of March, uses a net of any description in the waters of the Merrimac river or any tributary thereof shall forfeit twenty-five dollars for each offence.

Gill net fishing prohibited.

SECTION 47. Whoever uses a gill net of any description in the waters of the Connecticut or Merrimac river or any tributary thereof shall forfeit twenty-five dollars for each offence.

Size of mesh.

SECTION 48. Whoever, in taking herring or mackerel, except with a dip net, in Mill river and its tributaries in the city of Gloucester or the towns of Essex and Ipswich, or in Plum Island river and its tributaries in the towns of Ipswich, Rowley or Newbury, uses a net or seine having a mesh of less than one and three-quarters inches shall be punished by a fine of twenty-five dollars for each offence.

Size of seine mesh.

SECTION 49. Whoever uses in the Connecticut Westfield, Deerfield, Miller's, Merrimac, Nashua or Housatonic rivers, or any tributary thereof, a

sweep seine having a mesh which stretches less than five inches shall forfeit twenty-five dollars for the first offence, and fifty dollars for each subsequent offence.

When penalties do not apply.

SECTION 50. The penalties prescribed by this chapter for unlawful fishing in the Merrimac river shall not apply to any person who draws a net or seine with a mesh not less than two and one-quarter inches after the twentieth day of June in each year at any point in said river below the Essex-Merrimac bridge, unless he takes salmon or shad, nor if, while thus lawfully fishing, he takes such fish and immediately returns it alive to the waters from which it was taken.

Regulations on Connecticut river.

SECTION 51. Whoever, between the fifteenth day of March and the first day of July, sets or uses, or aids in setting or using, in the Connecticut river, a pound, weir or set net the meshes whereof are less than two inches in extent, or between sunset on Saturday and sunrise on Monday sets or draws, or aids in setting or drawing, a seine for the purpose of taking fish in said river, and any person owning or controlling in whole or in part a pound, weir or set net of any description, placed in said river, who, between sunset and sunrise as aforesaid, fails to keep the same open and free for the passage of fish in a manner satisfactory to the commissioners on fisheries and game shall forfeit four hundred dollars for each offence; and, in addition, shall forfeit such pounds, weirs and set nets.

Seining restrictions.

SECTION 52. Whoever uses a sweep seine or combination of sweep seines in such a manner as at any moment to close or seriously obstruct more than two-thirds of the width of a stream at the

place where it is used, or delays or stops in paying out or hauling a sweep seine, or hauls a sweep seine within one-half mile of a point where such seine has been hauled within an hour, shall forfeit twenty-five dollars for the first offence, and fifty dollars for each subsequent offence; but the provisions of this section shall not apply to seines used in the smelt fisheries, or to the fisheries for shad or alewives in the Taunton Great river, or to the fisheries in North river in the county of Plymouth.

Restrictions, North river.

SECTION 53. Whoever sets a seine or combination of seines over three hundred and eighty-five feet in length, or casts a mesh net over three hundred and fifty feet in length, in the North river in the county of Plymouth shall for each offence be punished by a fine not less than twenty-five nor more than one hundred dollars or by imprisonment for not less than one nor more than three months.

Fish wardens in certain towns and cities.

SECTION 54. The mayor and aldermen of cities and the selectmen of towns bordering on the Connecticut or Merrimac river shall appoint and fix the compensation of one or more fish wardens within their respective cities and towns, who shall, respectively, make complaint of all offences under the provisions of sections thirty-eight, forty-four, forty-five and fifty-one.

Liability for neglect to appoint wardens.

SECTION 55. A city or town whose mayor and aldermen or selectmen neglect to appoint and fix the compensation of such fish wardens shall forfeit not less than one hundred nor more than five hundred dollars.

BLUEFISH.

In Wellfleet bay.

SECTION 56. Whoever takes any bluefish in the waters of Wellfleet bay in the town of Wellfleet with nets or seines, north and east of Smalley's bar inside of a line drawn from Smalley's bar buoy east-southeast to the eastern shore and west-northwest to the western shore, shall forfeit one dollar for each bluefish so taken or be punished by a fine of not more than one hundred dollars.

TROUT AND SALMON.

ACTS OF 1900, CHAP. 377, AS AMENDED BY ACTS OF 1910, CHAP. 469.

Trout and salmon.

SECTION 1. It shall be unlawful for a person at any time to buy or sell or offer for sale a trout except as hereinafter provided, or to take or have in possession trout or salmon between the first day of August in any year and the first day of April of the year following, or to sell or offer for sale or have in possession between the above-named dates salmon taken in this Commonwealth, or to take a trout or salmon otherwise than by naturally or artificially baited hook and hand line; or to have in possession at any time a trout less than six inches or a salmon less than twelve inches in length, unless such trout less than six inches or such salmon less than twelve inches was taken by a person lawfully fishing, and is immediately returned alive in the water whence it was taken.

SECTION 2. Upon written application to the commissioners on fisheries and game permission shall be granted to any person to buy and sell or have in possession, at any season of the year, trout artificially propagated and maintained, under such rules and regulations, approved by the governor and council, as may be made from time to time by the commissioners.

SECTION 3. Any person violating any provision of this act, or any rule or regulation made as aforesaid, shall be punished by a fine not exceeding twenty-five dollars for each offence, and the commissioners on fisheries and game may, in case of a violation of any rule or regulation made by them, suspend or revoke any license or permit granted by them under authority of this act.

SECTION 4. Sections fifty-seven, fifty-eight and fifty-nine of chapter ninety-one of the Revised Laws, chapter one hundred and ninety of the acts of the year nineteen hundred and five, chapters two hundred and sixty-three and three hundred and fourteen of the acts of the year nineteen hundred and six, chapter two hundred and ninety-six of the acts of the year nineteen hundred and seven, and all acts and parts of acts inconsistent herewith are hereby repealed.

Screens on the Merrimac.

SECTION 60. The commissioners on fisheries and game shall, during April, May and June, for the better protection of salmon fry in the Merrimac river, cause wire screens to be erected and maintained at the entrance of the canals in Lowell and Lawrence at the expense of the companies owning and operating said canals.

Liability for minors.

SECTION 61. If a minor takes a trout in any other manner than by hook and line in a town which accepts the provisions of this section or has accepted the corresponding provisions of earlier laws, his guardian shall forfeit one dollar for each trout so taken; but all prosecutions under the provisions of this section shall be commenced within thirty days after the commission of the offence.

Public waters only to be stocked.

SECTION 65. No person, corporation or association shall be provided by the commonwealth with trout or trout spawn to stock waters owned

or leased by him or them or under his or their control unless he or they first agree in writing with the commissioners on fisheries and game that such waters so stocked shall be free for the public to fish in during the season in which the taking of trout is permitted by law.

PICKEREL.

AS AMENDED BY ACTS OF 1904, CHAP. 329.

Legal size of pickerel.

SECTION 67. Whoever takes from the waters of this commonwealth a pickerel less than ten inches in length, or sells or offers for sale, or has in his possession, with intent to sell any such pickerel, shall forfeit one dollar for each pickerel so taken, held in possession, sold or offered or exposed for sale; and in prosecutions under the provisions of this section the possession of pickerel less than ten inches in length shall be prima facie evidence to convict.

ACTS OF 1905, CHAP. 417.

Apparatus of capture.

SECTION 1. A town may by a by-law duly enacted and approved as required by law forbid the taking or catching of pickerel in any river, stream or pond therein in any other manner than by naturally or artificially baited hook and hand line, and may provide a suitable penalty for the violation of such by-law.

SECTION 2. Section sixty-eight of chapter ninety-one of the Revised Laws, and chapter three hundred and sixty-four of the acts of the year nineteen hundred and four, are hereby repealed.

BLACK BASS.

Size.

SECTION 70. Whoever takes or sells or offers for sale or has in his possession with intent to sell a black bass less than eight inches in length shall forfeit ten dollars for each fish so taken, sold or

offered or exposed for sale; and in prosecutions under the provisions of this section the possession of a black bass less than eight inches in length shall be prima facie evidence to convict.

SMELTS.

Close season.

SECTION 71. Whoever, between the fifteenth day of March and the first day of June, sells or offers or exposes for sale or has in his possession a smelt taken between said dates in this commonwealth, shall forfeit one dollar for every such smelt; and the possession of a smelt between said dates shall be prima facie evidence to convict.

Apparatus allowed.

SECTION 72. Whoever takes a smelt in any other manner than by naturally or artificially baited hook and hand line shall, except as provided in section seventy-six, forfeit one dollar for each smelt so taken; and in all prosecutions under the provisions of this section the burden of proof shall be upon the defendant to show that smelts taken by him were legally caught.

Exceptions in certain counties.

SECTION 73. The provisions of the two preceding sections shall not apply to smelts taken in a seine or net in the counties of Bristol, Barnstable, Nantucket or Dukes County during the time and in the manner in which fishing is allowed for perch, herring or alewives.

Prohibited apparatus.

SECTION 74. No person shall set, draw, use or attempt to set, draw or use any net, seine, trap or device for catching smelts, other than a naturally or artificially baited hook, in the waters of Boston harbor, Hingham harbor, Weir river, Weymouth Fore river, Weymouth Back river, Neponset river, Charles river, Mystic river, or in

any cove, bay, inlet or tributary thereof; but the provisions of this section shall not prohibit the use of traps for catching lobsters.

What constitutes evidence.

SECTION 75. Possession of any net, seine, trap or device for catching fish, other than a naturally or artificially baited hook, in or upon said harbors, rivers or tributaries, or on the banks of the same, if adapted to the present catching of smelts and apparently intended for that purpose, shall be deemed *prima facie* evidence of a violation of the provisions of the preceding section, and the possession of any fresh smelts, not apparently caught by the use of a hook, in or upon said harbors, rivers or tributaries, or on the banks of the same, after sunset or under other circumstances of suspicion, shall be deemed *prima facie* evidence that said smelts were caught contrary to the provisions of the preceding section by the person in whose possession they are found.

Penalties.

SECTION 76. Whoever violates the provisions of section seventy-four or receives smelts knowing or having reasonable cause to believe that the same have been taken contrary to the provisions of said section shall, for a first offence, be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than six nor more than twelve months, or by both such fine and imprisonment, and, for a second offence, by both said fine and imprisonment.

ACTS OF 1911, CHAP. 303.

Towns of Weymouth and Braintree may regulate the taking of smelts in the waters of Weymouth Fore river and Weymouth Back river.

SECTION 1. By joint action the selectmen of the towns of Weymouth and Braintree, if so instructed by their towns, may grant permits for

the taking of smelts in the close season between the fifteenth day of March and the fifteenth day of April, both dates inclusive, in the Weymouth Fore river and the Weymouth Back river. Such permits shall prescribe the time and methods of so taking smelts, and the said selectmen may make such other regulations in regard to said fishery as they may deem expedient: *provided*, that the fish so taken shall be in quantities not exceeding thirty-six fish in any one day by any one person. The smelts so taken shall not be sold or offered for sale at any time. Any person receiving smelts under this act who sells, gives away or disposes of the same, in any manner, to persons other than his own family shall be subject to the penalty herein provided.

SECTION 2. The board of commissioners on fisheries and game may alter or annul any rule, regulation or by-law, relative to the taking of smelts under this act, if, in their opinion, the same is prejudicial to the maintenance of the fisheries.

SECTION 3. The towns of Weymouth and Braintree are hereby authorized to take or acquire by purchase or otherwise such lands or rights in lands along the said rivers as may be convenient for fishing therein, and may appropriate money for carrying out the provisions of this act. The selectmen and any persons employed by them or authorized by them to take fish under the provisions of this act may go upon and pass over the lands of any person through or by which either of the said rivers run, provided that they shall enter upon or pass over such lands at such times and places as the selectmen shall prescribe, and only for the purpose of protecting the said fishery or of taking the said fish, and shall do no more damage to said lands than is unavoidable. Any person who shall prevent or hinder the selectmen or any person authorized by them in the proper use of

the said lands, as above provided, shall forfeit a sum not exceeding twenty dollars for each offence.

SECTION 4. Any person not authorized by the selectmen of the said towns as above provided who shall fish in the said rivers at any time in the close season, and any person who violates any provision of this act shall be liable to a fine of one dollar for each fish or part thereof in respect to which the violation occurs.

SECTION 5. This act shall take effect upon its acceptance by a majority vote of the legal voters of the said towns present and voting thereon at any annual or special town meeting.

Right of Search.

SECTION 77. Any commissioner on fisheries and game, deputy commissioner, member of the district police, sheriff, deputy sheriff, police officer or constable, within his jurisdiction, may search for and seize, without warrant, any smelts which he has reason to suspect were taken contrary to the provisions of section seventy-four, and the net, seine, trap or other device and the vessel, boat, craft or other apparatus used in connection with such receiving, or other violation of said section, and the cask, barrel or other vessel or wrapper containing said smelts. Said officer may libel said property according to law, or, at his discretion, sell the same or any part thereof at private sale or by public auction, and libel the net proceeds of such sale according to law, in the same manner and with the same effect as if such proceeds were the property itself.

FORFEITURE OF FISH, BOATS, ETC.

Forfeiture of boats and apparatus.

SECTION 78. Whoever takes any fish in violation of the provisions of section twenty-six, twenty-nine, thirty-two, thirty-three, thirty-nine, forty, forty-two, forty-three, forty-four,

forty-seven, fifty-eight, sixty-two, sixty-eight, sixty-nine, seventy-two, or one hundred and thirty-two, or whoever violates the provisions of sections twenty-six, thirty-three or seventy-six shall, in addition to the penalties therein provided, forfeit the boat and apparatus used.

Forfeiture of fish and apparatus.

SECTION 79. Whoever violates the provisions of sections twenty-six, thirty-two, forty-one, forty-eight, forty-nine, fifty-two and fifty-nine shall, in addition to the penalties therein provided, forfeit the fish taken and the apparatus used.

Duty of superintendents, clerks and others.

SECTION 80. Every superintendent, clerk or other person who has charge of a market, provision store or other place in which fish are sold, and who has reasonable cause to believe that any fish taken in violation of law has been offered for sale on such premises, shall immediately give information thereof to a constable or trial justice in the city or town in which said premises are situated; and for each neglect so to do shall be punished by a fine of not less than five nor more than fifty dollars.

PIKE PERCH.

ACTS OF 1908, CHAP. 488.

Relative to pike perch caught in certain waters.

SECTION 1. No corporation, association or person who shall have in possession in this commonwealth any pike perch caught in that part of Lake Champlain or its tributaries known as Missisquoi bay, lying and being in the province of Quebec, or in the Richeheu river, which is the outlet of said lake, between February first and June first.

SECTION 2. The commissioners on fisheries and game and their deputies are hereby author-

ized to search for, to seize, and to confiscate, without a warrant, pike perch held in possession in violation of the preceding section, and it shall be the duty of every officer designated in section four of chapter ninety-one of the Revised Laws, thus without a warrant to search for and seize pike perch so held in possession, and to report the seizure to the said commissioners, who shall authorize the sale of such fish; and the proceeds of such sale shall be paid into the treasury of the commonwealth.

SECTION 3. Any company, association or person violating the provisions of this act shall be liable to a penalty of fifty dollars, and ten dollars additional for each pike perch held in possession in violation of the provisions of this act. Chapter one hundred and seventy-nine of the acts of the year nineteen hundred and six is hereby repealed.

SHINERS AND STURGEON.

ACTS OF 1906, CHAP. 239.

Taking of shiners for bait.

SECTION 1. It shall be lawful to take shiners for bait in any of the waters of the commonwealth by means of a circular or hoop net not exceeding six feet in diameter, or by means of a rectangular net other than a seine, containing not more than thirty-six square feet of net surface.

SECTION 2. The provisions of section twenty-six of chapter ninety-one of the Revised Laws, as amended by chapter three hundred and eight of the acts of the year nineteen hundred and four; and of section one hundred and thirty-two of said chapter ninety-one, shall not apply to a person taking fish other than shiners by means of the apparatus described in section one: *provided*, that such other fish are immediately returned alive to the water.

AS AMENDED BY ACTS OF 1905, CHAP. 181.

Taking shiners for bait in the Merrimac and Connecticut rivers.

SECTION 81. During October and November any person may, for the purpose of taking shiners for bait, draw a net or seine at any point in the Merrimac and Connecticut rivers, and their tributaries, except within four hundred yards of any fishway; and if any other fish so caught are immediately returned alive to the waters from which they were taken, the penalties prescribed in sections forty-six, forty-seven, forty-nine, seventy-eight and seventy-nine shall not apply to the taking of such fish.

Sturgeon nets.

SECTION 82. A person who uses a net or seine having a mesh which stretches at least twelve inches shall not incur a penalty for taking sturgeon in the tidal waters of the Merrimac river.

EELS, CLAMS, QUAHAUGS AND SCALLOPS.

ACTS OF 1910, CHAP. 177.

The taking of scallops.

SECTION 1. It shall be unlawful to take from the flats or waters of the commonwealth scallops other than adult scallops, or to sell or offer for sale or have in possession such scallops so taken. For the purposes of this act an adult scallop shall be a scallop with a well defined raised annual growth line. Scallops taken from the tide waters of the commonwealth shall be culled out when taken, and all scallops other than adult scallops so taken shall immediately be returned alive to tide water which is at least three feet deep at mean low water, but the provisions of this section shall not apply to scallops other than adult scallops unavoidably taken: *provided*, that the number so taken at any one time does not exceed five per cent of the total catch after being culled

as herein provided. All scallops taken in accordance with the provisions of this act shall be taken ashore in the shell.

SECTION 2. No person shall take scallops between the first day of April and the first day of October from the flats or waters of the commonwealth, or buy or sell or have in possession scallops so taken; but the provisions of this section shall not apply to the taking of scallops for bait in the waters adjacent to the town of Nantucket from the first day of April to the fifteenth day of May, inclusive, nor shall they prohibit any person at any time from taking scallops by hand for food for his own personal or family use.

SECTION 3. No person shall take more than ten bushels of scallops including shells in one day.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine not exceeding twenty-five dollars. Possession of scallops, other than adult scallops, except as is otherwise provided in section one, shall be prima facie evidence that such scallops were taken contrary to law.

SECTION 5. Chapter four hundred and three of the acts of the year nineteen hundred and nine and all acts and parts of acts inconsistent herewith are hereby repealed.

City and town jurisdiction.

SECTION 85. The mayor and aldermen of cities and the selectmen of towns, if so instructed by their cities and towns, may, except as provided in the two preceding sections, control, regulate or prohibit the taking of eels, clams, quahaugs and scallops within the same; and may grant permits prescribing the times and methods of taking eels and such shellfish within such cities and towns and make such other regulations in regard to said fisheries as they may deem expedient. But an inhabitant of the commonwealth, without such permit, may take eels

and the shellfish above-named for his own family use from the waters of his own or any other city or town, and may take from the waters of his own city or town any of such shellfish for bait, not exceeding three bushels, including shells, in any one day, subject to the general rules of the mayor and aldermen and selectmen, respectively, as to the times and methods of taking such fish. The provisions of this section shall not authorize the taking of fish in violation of the provisions of sections forty-four and forty-five. Whoever takes any eels or any of said shellfish without such permit, and in violation of the provisions of this section, shall forfeit not less than three nor more than fifty dollars.

ACTS OF 1904, CHAP. 269.

Quahaugs in Eastham, Orleans and Wellfleet.

SECTION 1. No person shall take quahaugs from their natural beds, or wilfully obstruct or interfere with such natural beds, within the towns of Eastham, Orleans, and Wellfleet except as hereinafter provided.

SECTION 2. No inhabitant of said towns shall sell or offer for sale little neck clams or quahaugs which measure less than one and one half inches across the widest part, and no person shall in any of said towns sell or offer for sale little neck clams or quahaugs which measure less than one and one half inches across the widest part.

SECTION 3. The selectmen of any one of said towns may give to any inhabitants of any of said towns permits in writing to take quahaugs from their beds in the towns which the selectmen represent at such times, in such quantities and for such uses as they shall deem expedient. Such permits shall be good for such time as the selectmen may determine, not exceeding one year. Any inhabitant of the commonwealth may without such permit take from the natural beds in said towns, quahaugs for the use of his family, not

exceeding in quantity one bushel, including shells, in any one day; and any fisherman may without such permit take quahaugs from the natural beds in his own town for bait for his own use, not exceeding in quantity one bushel, including shells, in any one day.

SECTION 4. The selectmen of the said towns may, in their respective towns, grant licenses or permits for such periods, not exceeding two years, and under such conditions as they may deem proper, not however covering more than seventy-five feet square in area, to any inhabitants of the towns to bed quahaugs in any waters, flats and creeks within the town at any place where there is no natural quahaug bed, not impairing the private rights of any person or materially obstructing any navigable waters. It shall be unlawful for any person, except the licensee and his agents, to take any quahaugs in or remove them from the territory covered by any such license.

SECTION 5. Whoever violates any provision of this act or of any regulation made by the selectmen under authority hereof shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 6 [as amended by Acts of 1905, Chap. 265]. So much of section eighty-five of chapter ninety-one of the Revised Laws as is inconsistent herewith shall not apply to the said towns; and nothing herein contained shall be construed to affect the rights of the inhabitants of Orleans and Eastham under section five of chapter sixty-four of the acts of the year seventeen hundred and ninety-six, approved March third, seventeen hundred and ninety-seven.

SECTION 7. This act shall take effect in any of said towns only upon its acceptance by a majority of the voters thereof present and voting thereon at a meeting called for the purpose.

ACTS OF 1904, CHAP. 282.

Cultivation of shellfish.

SECTION 1. Cities by a two thirds vote of each branch of the city council in cities having a common council and a board of aldermen, or by a two thirds vote of the board of aldermen in cities not having a common council, and towns by a two thirds vote of the voters present and voting thereon at any town meeting called for the purpose, may appropriate money for the cultivation, propagation and protection of shellfish. The mayor and aldermen of cities, and the selectmen of towns, when so authorized by their respective cities and towns, may declare from time to time a close season for shellfish for not more than three years in such waters or flats within the limits of their respective cities and towns as they deem proper, and may plant and grow shellfish in such waters and flats: *provided*, that no private rights are impaired; and *provided, further*, that when any close season, declared as aforesaid, shall have ended, the flats and waters so closed shall be opened subject to the provisions of section eighty-five of chapter ninety-one of the Revised Laws, and of any special laws.

SECTION 2. Whoever takes shellfish in violation of the provisions of this act shall forfeit not less than three nor more than fifty dollars. Any officer qualified to serve criminal process, and special constables, designated under the provisions of section one hundred and thirty-four of chapter ninety-one of the Revised Laws, shall have power to enforce the provisions of this act, with all the powers conferred by said section.

SECTION 3. District courts and trial justices shall have concurrent jurisdiction with the superior court of all offences under this act.

ACTS OF 1909, CHAP. 469.

Planting, cultivating and bedding quahaugs.

SECTION 1. Upon an application in writing, the mayor and aldermen of a city or the selectmen of a town may grant a written license subject to such rules and regulations as are approved by the city council of the city, or by the voters of the town at an annual or special town meeting, for the purpose of planting and cultivating quahaugs upon and in the flats and creeks of their respective cities and towns below mean low water mark and within the limits to be specified in the license, for a term of not more than ten or less than five years, to any person who has resided in the state or has been a taxpayer in the city or town for not less than one year preceding the date of his application; and all such licenses may be assigned by the licensee to any person who has been a resident of the state or a taxpayer in the city or town for not less than one year preceding the date of the assignment, but shall not be assigned or transferred without the written consent of the mayor and aldermen of such city or the selectmen of such town.

SECTION 2. The mayor and aldermen of a city or the selectmen of a town may grant to any person who has received a license in accordance with the provisions of the preceding section an additional license for the purpose of bedding quahaugs and of gathering the seed from the same between high and low water mark for such period, not exceeding five years, and under such conditions as they may deem proper. The territory to be covered by the said license shall not include more than one half acre.

SECTION 3. The licenses herein provided for shall not be granted if their exercises would materially obstruct navigable water. No license shall be granted under this act until after a public hearing, stating the name and residence of the

applicant, the date of the filing of the application, the location, area, and description of the grounds applied for, due notice of which has been posted in three or more public places, and published in a newspaper, if there be any, published in the city or town in which the premises are situated, at least ten days before the time fixed for the hearing.

SECTION 4. It shall be unlawful, for any person, except the licensee or his agents or assignees, to dig or take quahaugs or quahaug seed within the territory covered by a license granted hereunder, or to remove the same from the said territory.

SECTION 5. A license granted hereunder shall describe by metes and bounds the waters, flats and creeks to which the license is applicable, and it shall have no force until it is recorded with the clerk of the city or town granting the same, and the licensee shall pay annually to the city or town a fee of not less than one dollar nor more than five dollars per acre for the license, as the mayor and aldermen of the city and the selectmen of the town may determine. A recording fee of fifty cents shall be paid to the clerk of the city or town for recording the said license or an assignment thereof. The said license and any assignments thereof shall be recorded in a book to be kept for the purpose in the office of the clerk of the city or town, and such books shall be open to inspection by the public. Forms for licenses and for assignments shall be provided by the mayor and aldermen of a city or the selectmen of a town at the expense of the city or town.

SECTION 6. Before granting any license hereunder, the mayor and aldermen of a city or the selectmen of a town shall cause to be made a survey and plan of the territory within which licenses are to be granted, and shall cause to be marked upon a copy of such plan to be kept in the office of the city or town clerk the territory

covered by any license issued by them. It shall be the duty of the licensee upon receiving his license to cause the territory covered thereby to be plainly marked out by stakes, buoys, ranges or monuments which shall be maintained by him during the term of the license. Failure to place or to maintain the same shall be sufficient cause for revocation of the license by the authority granting the same.

SECTION 7. If it appears to the mayor and aldermen of a city or the selectmen of a town granting a license hereunder that the licensee or his assignee does not actually occupy and use in good faith for the purpose specified in sections one and two the territory covered by the license, they shall petition the superior court of the county wherein the territory is situated to appoint a commission of one or more persons to investigate and report to the court as to the use and occupancy of such territory; and the court shall appoint a commission of one or more persons who, after twelve days' notice to the petitioners and the respondent, shall hear the petitioners and respondent and shall transmit their findings to the court. If it shall appear to the court that the said territory is not used and occupied in good faith for the purpose stated in the license, the court may order that use of the territory shall revert to the city or town and that all stakes or buoys or other appliances marking the same shall be removed. The costs upon said petition shall be assessed as the court may direct.

SECTION 8. The licensee, his heirs or assignees shall for the purposes described in the license have the exclusive use of the territory described therein during the term of the license and may in an action of tort recover treble damages of any person who, without his or their consent, digs or takes quahaugs or other shellfish in the territory covered by the license or removes the same therefrom. Whoever so digs, takes or removes qua-

haugs or other shellfish shall, in addition, be subject to a penalty of twenty dollars for each offence.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed.

ACTS OF 1911, CHAP. 499.

Planting and cultivating clams and quahaugs in the town of Barnstable.

SECTION 1. The selectmen of the town of Barnstable may, by a writing under their hands, grant a license for such a term of years, not exceeding five, as they, in their discretion, may deem for the public good, to any citizen of the said town, to plant, cultivate and dig clams and quahaugs upon and in any flats and creeks in the town; not, however, impairing the private rights of any person. The territory covered by any such license shall not be less than two nor more than five acres for each clam or quahaug grant. The license may be assigned by the licensee to any person who is a citizen of the town, but only with the written consent of the selectmen.

SECTION 2. The licenses herein provided for shall not be granted if their exercise would materially obstruct navigable waters. No license shall be granted under this act until after a public hearing, notice of which has been given in a newspaper published in said town at least ten days before the hearing. Such notice shall state the date of the hearing, the name and residence of the applicant, the date of the filing of the application, and the location, area, and description of the grounds applied for.

SECTION 3. The license shall describe by metes and bounds the flats and creeks so appropriated, and shall be recorded by the town clerk before it shall have any force; and the licensee shall pay to the selectmen for their use two dollars, and to the town clerk fifty cents.

SECTION 4. The licensee, and his heirs and assigns, shall, for the purposes aforesaid, have

the exclusive use of the flats and creeks described in the license, during the time specified therein, and may in an action of tort recover treble damages of any person who, without his or their consent, digs or takes clams and quahaugs from such flats or creeks during the continuance of the license.

SECTION 5. The town of Barnstable, at any legal meeting called for the purpose, may make such by-laws as the town may from time to time deem expedient, to protect and preserve the shellfisheries within said town: *provided, always*, that no such by-law shall infringe the laws of the commonwealth.

SECTION 6. If it appears to the selectmen that the licensee, or his heirs or assigns, for a period of two years fail actually to use and occupy the grant for the purposes specified in the license, they may, after a public hearing, thirty days' notice of which shall be given to the licensee, revoke the license, and the use of the territory shall revert to the town.

SECTION 7. Whoever takes any shellfish from the waters of the town of Barnstable in violation of any by-law established by the town, or of any provision of this act, shall for every offence pay a fine of not less than five nor more than ten dollars, and the costs of prosecution, and one dollar for every bushel of shellfish so taken.

SECTION 8. All acts and parts of acts inconsistent herewith are hereby repealed.

ACTS OF 1906, CHAP. 477.

Protection of shellfish in the town of Dartmouth.

SECTION 1. No person shall take any shellfish from their beds or wilfully obstruct the growth of any shellfish within the town of Dartmouth, except as is hereinafter provided.

SECTION 2. The selectmen of said town may give permits in writing to any person to take shellfish from their beds within said town at such times, in such quantities, for such uses and by

such methods as they shall deem expedient. They shall grant such permits to any inhabitant of the town to take from the beds in said town shellfish for the use of himself and his family not exceeding in quantity one half bushel including shells in any one day. They shall grant such permits to any fishermen to take shellfish from said beds for bait for his own use not exceeding in quantity one bushel including shells in any one day. Such permits shall be signed by the selectmen, shall be recorded in a book kept for the purpose and shall remain in force for one year from their date.

SECTION 3. Every person taking shellfish from their beds within said town under the provisions of this act shall at the time of such taking have with him the permit granted to him as above provided and shall exhibit it upon demand to any constable of the town or other officer charged with the duty of enforcing the provisions of this act.

SECTION 4. No person shall take from their beds in said town or sell or offer for sale or have in his possession any little neck clams or quahaugs measuring less than one and one half inches across the widest part.

SECTION 5. Whoever violates any provision of this act shall be punished by a fine of not less than ten or more than one hundred dollars.

SECTION 6. The third district court of Bristol shall have concurrent jurisdiction with the superior court of all offences under this act.

SECTION 7. So much of section eighty-five of chapter ninety-one of the Revised Laws as is inconsistent herewith shall not apply to the town of Dartmouth.

LOBSTERS, TAUTOG AND OTHER FISH.

Egg lobsters.

SECTION 86. Whoever at any time catches or takes or has in his possession with intent to sell, or sells, any female lobster bearing eggs shall be

punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment for not less than one nor more than three months for each offence; but a person who catches or takes any such lobster and immediately returns it alive to the waters from which it was taken shall not be subject to such penalty. The provisions of this section shall not apply to lobsters spawning in lobster cars if they are immediately returned alive to the waters from which they were taken. Exposure for sale or possession otherwise than as herein provided shall be *prima facie* evidence of an intent to sell.

Town officers to enforce preceding section.

SECTION 87. The mayor and aldermen of cities, the selectmen of towns, police officers and constables shall cause the provisions of the preceding section to be enforced in their respective cities and towns.

AS AMENDED BY ACTS OF 1907, CHAP. 303.

Legal length of lobsters.

SECTION 88. Whoever sells or offers for sale or has in his possession an uncooked lobster less than nine inches in length, or a cooked lobster less than eight and three quarters inches in length, measuring from the extremity of the bone protruding from the head to the end of the bone of the middle flipper of the tail of the lobster, extended on its back its natural length, shall forfeit not more than five dollars for every such lobster, one half to the use of the city or town in which the offence is committed and one half to the commonwealth; and in all prosecutions under the provisions of this section any mutilation of a lobster, cooked or uncooked, which affects its measurements shall be *prima facie* evidence that the lobster is less than the required length and the possession of any lobster, cooked or uncooked, which is not of the required length shall be *prima facie* evidence to convict.

Mutilation unlawful.

SECTION 89. Whoever, before a lobster is cooked, mutilates it by severing the tail from the body, or has such tail in possession, shall be punished by a fine of five dollars for each offence; and in all prosecutions under the provisions of this section the possession, by any person, of the tail of any uncooked lobster so severed from the body shall be *prima facie* evidence to convict.

Detail of district police.

SECTION 90. The governor, upon the written request of the commissioners on fisheries and game or one of them, may detail one or more of the district police from any district or town to enforce the provisions of section eighty-eight.

Right of search.

SECTION 91. For the purpose of enforcing the provisions of section eighty-eight, any one of the commissioners on fisheries and game or their deputy or any member of the district police may search in suspected places for, seize and remove lobsters which have been unlawfully taken, held or offered for sale.

ACTS OF 1909, CHAP. 265.

Catching of lobsters restricted to residents.

SECTION 1. It shall be unlawful for any person not being a citizen of the commonwealth to set or cause to be set any net or trap for the catching of lobsters in the waters of the commonwealth, unless such person has been a continuous resident of the state for at least one year prior to such setting or keeping: *provided, however*, that the mayor and aldermen of any city, or the selectmen of any town may grant permits in writing to any temporary resident of such city or town to set lobster pots in the waters thereof for his own family use.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine not exceeding twenty dollars for each offence.

SECTION 3. Any commissioner of fisheries and game, or deputy commissioner, and any member of the district police, and any deputy sheriff, police officer or constable, within his jurisdiction, may seize and destroy any pot set or kept in violation of this act.

SECTION 4. Section ninety-two of chapter ninety-one of the Revised Laws is hereby repealed.

Commissioners' rights.

SECTION 93. The commissioners on fisheries and game may occupy and use any small estuaries or creeks within the commonwealth, not exceeding six, for the scientific investigation of the habits, propagation and distribution of lobsters, if such occupation and use does not impair the private rights of any person or materially obstruct any navigable waters. Notice of such occupation shall be conspicuously posted and maintained by said commissioners at the nearest points to said estuaries and creeks, and shall be recorded in the registry of deeds in the county in which they are situated.

Penalty.

SECTION 94. Whoever, after the posting and recording of such notice, catches or takes any lobster from any estuary or creek so occupied as aforesaid shall be punished as provided in section eighty-six.

Non-residential prohibition upon taking lobsters and fish in Fairhaven, New Bedford, Dartmouth and Westport.

SECTION 95. No person living without this commonwealth shall take any lobsters, tautog, bass or other fish within the harbors, streams or waters of Fairhaven, New Bedford, Dartmouth

or Westport for the purpose of carrying them thence in vessels or smacks of any size whatever owned without this commonwealth, nor in any of more than fifteen tons burden owned within this commonwealth, under a penalty of ten dollars for each offence and a forfeiture of all fish and lobsters so taken.

Territorial definition.

SECTION 96. For the purposes of the preceding section, the waters and shores of the places therein mentioned shall be deemed to extend from the line of the state of Rhode Island to the line of the county of Plymouth, and to include all the waters, islands and rocks lying within one mile of the mainland.

Penalty.

SECTION 97. If, within the harbors, streams, or waters of any place on the sea coast which accepts the provisions of this section or has accepted the corresponding provisions of earlier laws, a person who lives without the commonwealth takes, for the purpose of carrying thence, any lobsters, tautog, bass, bluefish or scuppaug, or if a person who lives in this commonwealth takes and carries away from such place any such fish or lobsters in vessels or smacks of more than fifteen tons burden, he shall forfeit for each offence not more than twenty dollars, and all the fish and lobsters so taken.

Transportation from Provincetown.

SECTION 98. No person shall take lobsters within the waters and shores of the town of Provincetown for the purpose of carrying them from said waters in a vessel or smack of more than fifteen tons burden, or for the purpose of putting them on board of such vessel or smack to be transported to any place, unless a permit is first obtained therefor from the selectmen of said

town, who may grant the same for such amount, to be paid to the use of the town, as they shall deem proper. Whoever violates the provisions of this section shall forfeit ten dollars for each offence; and a further amount of ten dollars for every hundred lobsters over the first hundred taken or found on board of any such vessel or smack, and in that proportion for any smaller number. For the purposes of this section, the waters and shores of Provincetown shall be deemed to be as follows: beginning at Race Point, one half mile from the shore, and thence running by said shore to the end of Long Point which forms the harbor of Provincetown, and from the end of Long Point one half mile and including the harbor within the town of Provincetown.

Limitation in Buzzard's bay.

SECTION 99. Whoever, between the first day of April and the first day of July, inclusive, takes more than one hundred pounds a week of lobsters, tautog, bass or scuppaug in the bays, harbors, ponds, rivers or creeks of the waters of Buzzard's bay, within one mile from the shore and within the jurisdiction of the towns of Bourne and Wareham, shall forfeit not more than fifty dollars.

ACTS OF 1904, CHAP. 408.

Authorizing purchase of egg-bearing lobsters.

SECTION 1. The commissioners on fisheries and game are hereby authorized and empowered to purchase, at a rate not exceeding twenty-five per cent above the market price, lobsters with eggs attached, caught along the shore of this commonwealth. Whoever catches any such lobsters with eggs attached may, after receiving a permit from the commissioners on fisheries and game, safely store the same in lobster cars or sections of cars used for that purpose only, and

may keep them separate from other lobsters until such time as the said commissioners or some person or persons designated by them can gather and pay for them. The commissioners and their agent shall liberate them in the vicinity of the location where they were caught; or they may at their discretion sell any portion or all of them to the officer in charge of the United States fish hatchery for artificial propagation, the proceeds to be applied to the appropriation made for the enforcement of this act.

OYSTERS AND OTHER SHELLFISH.

Oysters.

SECTION 100. Whoever takes oysters from their beds, or destroys them or wilfully obstructs their growth therein, except as is provided in the following sections, shall forfeit two dollars for every bushel of oysters, including the shells, so taken or destroyed.

Town officials may grant permits.

SECTION 101. The mayor and aldermen of a city or selectmen of a town in which there are oyster beds may grant a permit in writing to any person to take oysters from their beds at such times, in such quantities and for such uses as they shall express in their permit; but every inhabitant of such city or town, except the town of Yarmouth, may, without such permit, take oysters from the beds therein for the use of his family, from the first day of September to the first day of June, not exceeding in any week two bushels, including shells.

Penalties and permits.

SECTION 102. Whoever takes any other shellfish from their beds, or destroys them or wilfully obstructs their growth therein, except as is hereinafter provided, shall forfeit one dollar for every bushel of such other shellfish, including

the shells. But the mayor and aldermen of a city or selectmen of a town may at any time give a permit in writing to any person to take such other shellfish from their beds therein, at such times, in such quantities and for such uses as they shall express in their permit; but every inhabitant of each of said places may, without such permit, take such other shellfish from the beds therein for the use of his family.

Rights of Indians and fishermen.

SECTION 103. The provisions of the three preceding sections shall not deprive native Indians of the privilege of digging shellfish for their own consumption, or prevent a fisherman, who is an inhabitant of this commonwealth, from taking shellfish which he may want for bait, not exceeding at any one time seven bushels, including the shells.

Oyster licenses.

SECTION 104. The mayor and aldermen of a city or selectmen of a town may, by writing under their hands, grant a license for a term not exceeding ten years to any inhabitant thereof to plant, grow and dig oysters at all times of the year, or to plant oyster shells for the purpose of catching oyster seed, upon and in any waters, flats and creeks therein, at any place where there is no natural oyster bed; not, however, impairing the private rights of any person, nor materially obstructing any navigable waters.

Limits of areas.

SECTION 105. Such license shall describe by metes and bounds the waters, flats and creeks so appropriated and shall be recorded by the city or town clerk before it shall have any force, and the licensee shall pay to the mayor and aldermen or selectmen, for their use, two dollars, and to the clerk fifty cents. The shore line of such

licensed premises shall be the line of mean low water for the planting and growing of oysters, and the line of high water for the planting of oyster shells, but the provisions of this section shall not authorize the placing of such shells upon the land of a riparian owner between high and low water mark without his written consent.

Public hearings.

SECTION 106. Such license shall not be granted until after a public hearing, due notice of which shall have been posted in three or more public places in the city or town in which the premises are situated at least seven days before the time fixed for such hearing.

Who can have a license.

SECTION 107. Such license shall be granted, assigned or transferred only to inhabitants of the city or town in which the licensed premises are situated, and shall not be assigned or transferred without the written consent of the mayor and aldermen of such city or the selectmen of such town.

Rights of licensees.

SECTION 108. The licensee, his heirs and assigns shall, for the purposes aforesaid, have the exclusive use of the waters, flats and creeks described in the license during the time therein specified; and may, in an action of tort, recover treble damages of any person who, without his or their consent, digs or takes oysters or oyster shells from such waters, flats or creeks during the continuance of the license; and whoever digs or takes oysters or oyster shells therefrom without such consent shall also forfeit twenty dollars for each offence.

Revocation of license.

SECTION 109. If the licensee fails for two years after the license has been granted to plant

and grow oysters or to plant oyster shells in the waters, flats or creeks described in the license, it shall be revoked by the officers who granted it and the revocation shall be recorded by the city or town clerk.

Prohibition of night fishing.

SECTION 110. No person shall dig, take or carry away any oysters or oyster shells between one hour after sunset and one hour before sunrise, by any method whatever, from any waters, flats or creeks for which a license has been granted under the provisions of section one hundred and four. A licensee who violates the provisions of this chapter relative to the planting and growing of oysters or the planting of oyster shells, shall, in addition to the penalties hereinafter provided, forfeit his license and the oysters remaining on the licensed premises.

Penalties.

SECTION 111. Whoever violates the provisions of the preceding section, or whoever, without the consent of the licensee, digs or takes any oysters or oyster shells from any waters, flats or creeks described in any license granted under the provisions of section one hundred and four, during the continuance of such license, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Trespass forbidden.

SECTION 112. Whoever works a dredge, oyster tongs or rakes, or any other implement for the taking of shellfish of any description, upon any oyster grounds or beds, other than public grounds or beds, without the consent of the licensee, lessee or owner thereof, or whoever, while upon or sailing over any such grounds or

beds, casts, hauls, or has overboard any such dredge, tongs, rake or other implement for the taking of shellfish of any description, under any pretence or for any purpose whatever, without the consent of the licensee, lessee or owner, shall, for the first offence, be punished by a fine of not more than twenty dollars or by imprisonment for not more than thirty days, and for each subsequent offence, by a fine of not more than fifty dollars or by imprisonment for not more than six months.

Pollution.

SECTION 113. The state board of health may examine all complaints which may be brought to its notice relative to the contamination of tidal waters and flats in this commonwealth by sewage or other causes, may determine, as nearly as may be, the bounds of such contamination, and, if necessary mark such bounds. It may also, in writing, request the commissioners on fisheries and game to prohibit the taking from such contaminated waters and flats of any oysters, clams, quahaugs and scallops. Upon receipt of such request, said commissioners shall prohibit the taking of such shellfish from such contaminated waters or flats for such period of time as the state board of health may prescribe.

ACTS OF 1907, CHAP. 285.

Taking from contaminated waters of clams and quahaugs for bait.

SECTION 1. Whenever, upon the request of the state board of health under the provisions of section one hundred and thirteen of chapter ninety-one of the Revised Laws, the commissioners on fisheries and game have prohibited or may hereafter prohibit the taking from contaminated waters or flats in any city or town of any clams or quahaugs, the board of health of such city or town may grant permits in writing

to any person to take from such waters clams or quahaugs to be used for bait only, and in such quantities and upon such conditions as they shall express in their permit.

SECTION 2. Any person holding a permit from the board of health of a city or town shall keep in his possession, and on his person, while acting thereunder, any permit obtained by him from said board of health, and shall at all times display the same upon the request of any person authorized to enforce the provisions of this act. Violation of this section shall be punished by a fine of not less than ten dollars nor more than fifty dollars, and in addition the permit shall be revoked and shall not thereafter be issued within twelve months.

SECTION 3. Any person who violates any of the provisions of such permit shall forfeit the permit and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding three months, or by both such fine and imprisonment.

SECTION 4. Whoever sells, or exchanges, or exposes or offers for sale or exchange, or buys any clams or quahaugs, taken under the provisions of this act, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for a term not exceeding three months, or by both such fine and imprisonment.

Penalties.

SECTION 114. Whoever takes any oysters, clams, quahaugs or scallops from tidal waters or flats from which the taking has been prohibited as provided in the preceding section shall forfeit not less than five nor more than ten dollars for the first offence, and not less than fifty nor more than one hundred dollars for each subsequent offence; but such penalties shall not be incurred until one week after the commissioners on fisheries and game shall have caused notice of

such prohibition, with a description, or the bounds, of the tidal waters or flats to which such prohibition applies, to be published in a newspaper published in the town or county in which or adjacent to which the tidal waters or flats to which such prohibition applies are situated.

ACTS OF 1911, CHAP. 411.

A board of shellfish commissioners for New Bedford and Fairhaven.

SECTION 1. It shall be unlawful for any person at any time to dig, take, remove, buy or sell any mollusk from the tide waters or flats of the Acushnet river, Clark's cove and New Bedford and Fairhaven harbor in areas which have been condemned or which hereafter may be condemned as polluted waters or flats by the state board of health, except as is hereinafter provided.

SECTION 2. For the purpose of carrying out the provisions of this act there shall be a board of shellfish commissioners, composed of the mayor and the chairman of the board of health of the city of New Bedford and the chairman of the selectmen and the chairman of the board of health of the town of Fairhaven, ex officiis, who shall be sworn before entering upon the duties of their office. The mayor of the city of New Bedford shall be the chairman of the board. The board shall elect a clerk who shall keep a record of all proceedings of the board and shall issue all notices and attest all papers and orders as the board shall direct.

SECTION 3. Said board of shellfish commissioners shall have authority to grant licenses to take mollusks from the polluted waters and flats in the waters mentioned in section one; and the board shall make such rules and regulations, subject to the approval of the state board of health, as in the judgment of the licensing board may be necessary for the enforcement of this act, and may appoint inspectors who shall be sworn to the faithful performance of their duties and

who shall have for the enforcement of the provisions of this act all the powers of constables, except the power of serving civil process. Any of said inspectors, and any one lawfully employed to enforce the provisions of this act, may for the purpose of the enforcement thereof, go upon and pass over the lands of any person without being considered a trespasser. The licenses granted hereunder may be revoked at any time by the licensing board. The board shall keep a record of the receipts and expenditures of money and of the licenses issued, which record shall be open at all times for inspection by the state board of health, by the board of commissioners on fisheries and game, or by any agents authorized by either of said two boards. Said licensing board shall make annually a detailed report of its doings to the state board of health and to the board of commissioners on fisheries and game.

SECTION 4. The board of shellfish commissioners may grant a first class license to any person who is a resident of New Bedford or of Fairhaven to take mollusks from the above named waters and to sell the same: *provided*, that the licensee shall forfeit his license for one year if he shall take mollusks from waters outside the polluted area without first surrendering his license; and if the person holding a first class license shall sell or otherwise dispose of mollusks taken by him under his license to any person or persons other than those who have a second class license as hereinafter provided, or if the licensee shall land the mollusks taken by him or others for any other purpose than to take them to one of the depots hereinafter specified for the purpose of selling them, or if the licensee shall take mollusks from said waters at any other time than between sunrise and sunset, or shall neglect to display his license number in plain view upon both sides of any boat or other conveyance used by him, he shall be liable to the penalties hereinafter imposed for violation of this act.

SECTION 5. Any person, firm or corporation may in the discretion of the board, be granted a second class license to establish one or more depots upon or opposite the polluted territory for the purchasing and storing of mollusks from the polluted waters hereinbefore specified. Said depots shall be used for buying and storing mollusks from the polluted areas only. Every person who receives the said second class license shall give to the licensing board a bond in the penal sum of five thousand dollars with sureties satisfactory to said board, conditioned upon buying mollusks only from those holding first class licenses, and upon selling or otherwise disposing of the said mollusks only to those holding third class licenses as hereinafter provided, and the licensee shall agree to comply with all such orders and regulations pertaining to the purchase and disposal of the said mollusks as shall be made by the licensing board and approved by the state board of health. Whoever, holding a second class license, violates the condition of his bond, shall forfeit the amount thereof to the licensing board and in addition shall be subject to the penalties hereinafter provided.

SECTION 6. Any person, firm or corporation, including the holder of a second class license hereunder who can satisfy the licensing board that he or it has suitable grounds within Massachusetts waters for planting mollusks may be granted a third class license to buy, transport and plant mollusks taken from the polluted territory described in this act, conditioned upon buying such mollusks taken from said polluted waters only from those holding second class licenses and upon bedding said mollusks in clean waters within the city or town to be specified in the license, the said city or town to be within the boundaries of this commonwealth, and further conditioned upon allowing said mollusks there to remain for at least thirty days. The licensee

shall agree to comply with such orders and regulations pertaining to the purchase, transportation and planting of said mollusks as shall be made by the licensing board and approved by the state board of health.

SECTION 7. Any person or corporation who violates any provision of this act, or of the rules and regulations lawfully made by said board, shall be liable to a fine of not more than one hundred dollars or to imprisonment for not more than ninety days, or to both such fine and imprisonment, and in addition thereto shall forfeit any license held by him or it hereunder for one year from the date of conviction of such violation.

SECTION 8. A fee of five dollars shall be charged for a first class license, fifty dollars for a second class license, and one dollar for a third class license. All licenses granted under authority of this act shall bear the name, age, place of residence, and identifying description of the licensee. Said licenses shall be valid for one year from the date of issue and no longer, shall not be transferable, and shall at all times be produced for examination upon the demand or request of any person authorized to enforce the provisions of this act, or of any commissioner on fisheries and game, or of a fish or game warden, or on demand of any sheriff, constable, police officer or other officer authorized to arrest for crime. Failure or refusal to produce said license upon such demand shall be prima facie evidence of a violation of this act.

SECTION 9. All moneys received from license fees under this act shall be used by the licensing board for the purpose of enforcing the provisions of this act and for purposes incident thereto. If the moneys received from the licenses granted hereunder are not sufficient to pay the necessary expenses incurred for the purposes herein mentioned, the city of New

Bedford shall from time to time appropriate sums of money to meet the deficiency, one half of which shall be repaid by the town of Fairhaven. If at the end of the year there shall be a surplus after meeting all expenses, then such surplus shall be divided equally between the city of New Bedford and the town of Fairhaven.

SECTION 10. Chapter two hundred and eighty-five of the acts of the year nineteen hundred and seven is hereby repealed so far as it relates to the flats and waters included within the provisions of this act.

Shellfish for bait.

SECTION 115. No person shall take from the towns of Chatham, Nantucket, Barnstable or Mashpee any shellfish for bait or other use, except clams and a shellfish commonly known by the name of horsefeet; and no quantity exceeding seven bushels of clams, including the shells, or one hundred horsefeet, shall be taken in one week for each vessel or craft, nor, in any case, unless a permit has first been obtained from the selectmen of the town.

ACTS OF 1903, CHAP. 216.

Protection of shellfish, Edgartown.

SECTION 1. No person shall take any shellfish from their beds or wilfully obstruct the growth of any shellfish within the town of Edgartown, except as is hereinafter provided.

SECTION 2. The selectmen of said town may give permits in writing to any person to take shellfish from their beds within said town, at such times, in such quantities, and for such uses, as they shall deem expedient. But any inhabitant of said town may without such permit take from the beds in said town shellfish for the use of his family, not exceeding in quantity one bushel, including shells, in any one day; and any fisherman may without such permit take shellfish from

the said beds for bait for his own use, not exceeding in quantity one bushel, including shells, in any one day.

SECTION 3. No person shall take from their beds in said town, or sell or offer for sale, or have in his possession, any little neck clams or quahaugs measuring less than one and one half inches across the widest part.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine of not less than ten nor more than one hundred dollars.

SECTION 5. The district court of Dukes County shall have concurrent jurisdiction with the superior court of all offences under this act.

SECTION 6. So much of section eighty-five of chapter ninety-one of the Revised Laws as is inconsistent herewith shall not apply to the town of Edgartown.

REGULATION OF FISH WEIRS, NETS, PURSE AND SWEEP SEINES.

Authority to construct.

SECTION 116. The mayor and aldermen of a city and the selectmen of a town lying upon tide water, except cities and towns bordering on Buzzard's bay, may in writing authorize any person to construct weirs, pound nets or fish traps in said waters within the limits of such city or town for a term not exceeding five years, if such weirs, pound nets or fish traps do not obstruct navigation or encroach on the rights of other persons.

Penalty for injury.

SECTION 117. Whoever wilfully destroys or injures any such weir, pound net or fish trap, or takes fish therefrom without the consent of the owner, shall forfeit not more than twenty dollars to the use of the owner, and shall be liable in an action to the person injured.

Penalty for non-authorized construction.

SECTION 118. Whoever constructs or maintains a weir, pound net or fish trap in tide water without the authority mentioned in section one hundred and sixteen, or from an island in tide water without authority in writing from the mayor and aldermen of every city and the selectmen of every town which is distant not over two miles from said island, shall forfeit ten dollars for each day he maintains such weir, pound net or fish trap; and he may be indicted therefor and enjoined therefrom.

Statistical returns of fishing.

SECTION 119. The owner of every pound net, weir, fyke net, or similar contrivance, of every fishing pier, seine, drag or gill net, lobster pot or trap used in any of the waters of this commonwealth for fishing purposes, shall annually, on or before the twentieth day of October, make a written report, under oath, to the commissioners of the number of pounds and the value of each kind of edible fish caught by his pound net, weir, fyke net or similar contrivance, pier, seine, drag or gill net, and the number and value of lobsters taken by him in pots or traps, during the year last preceding the date of said report, and the number and value of the devices used in such catching or taking, and the number of persons employed therein; and for such purpose, the commissioners shall annually, on or before the fifteenth day of March, provide him, upon his application, with suitable blank forms for such reports, so arranged that each month's catch may be separately recorded thereon; and, in filling out such reports, such owner shall give the results of each month's fishing, so far as may be practicable. Such owner shall apply to the commissioners for such blank forms. The owner of any cars or other contrivances used for keeping

lobsters shall have his name and residence legibly marked thereon. Whoever knowingly and wilfully violates the provisions of this section shall be punished by a fine of not less than ten nor more than one hundred dollars.

Close time for net fishing.

SECTION 120. Subject to the provisions of the two following sections, no person shall, from the first day of May to the fifteenth day of June, set, or permit to remain set, a fish pound, weir, trap, fyke or similar fixed apparatus for catching fish, except gill nets, between the hours of six o'clock on Saturday morning and six o'clock on Sunday evening, so as to catch fish in the tidal waters of the counties of Dukes County or Bristol, of the towns of Mattapoisett, Marion or Wareham, of the westerly boundaries of Bourne and Falmouth at and near Buzzard's bay, or of that portion of the southerly boundary of the county of Barnstable extending from the southwesterly corner of the town of Falmouth easterly to Point Gammon in the town of Yarmouth. Whoever violates the provisions of this section shall be punished by a fine of not less than one hundred nor more than two hundred dollars; but all prosecutions under this section shall be commenced within three months after the commission of the offence.

ACTS OF 1911, CHAP. 374.

Taking of fish in Lynn harbor.

SECTION 1. It shall be unlawful to take fish by the use of sweep nets or seines in the waters of Lynn harbor between the Point of Pines in the town of Revere and Bass Point in the town of Nahant, except that between the first day of October and the first day of January following fish may so be taken: *provided*, that a permit therefor is first obtained from the harbor master of the city of Lynn.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not more than one hundred dollars for each offence.

ACTS OF 1911, CHAP. 69.

The taking of flounders and other ground fish by certain apparatus in the vicinity of Pemberton point and Pig rock prohibited.

SECTION 1. It shall be unlawful to take flounders or any other ground fish in the waters lying inshore from a line drawn from Pemberton point, in the town of Hull, to Pig rock, in the town of Swampscott, by beam trawl or by any apparatus other than a hook and line or an ordinary trawl.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine not exceeding two hundred dollars for each offence.

ACTS OF 1911, CHAP. 107.

Beam trawling in Boston harbor prohibited.

SECTION 1. It shall be unlawful for any person to practice beam trawling in Boston harbor or to take or attempt to take any fish by that method.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding three months, or by both such fine and imprisonment.

Traps prohibited in Buzzard's bay.

SECTION 121. Whoever sets, uses or maintains any trap, weir, pound, yard or other stationary apparatus of any kind for the taking of fish in the waters of Buzzard's bay or in any harbor, cove or bight thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not more than six months.

Nets prohibited in Buzzard's bay.

SECTION 122. No person shall draw, set, stretch or use any drag net, set net or gill net, purse or sweep seine of any kind for taking fish in the waters of Buzzard's bay or in any harbor, cove or bight thereof within the jurisdiction of this commonwealth. Whoever violates, or aids or abets in the violation of, the provisions of this section shall be punished by a fine of not more than two hundred dollars for each offence.

Penalties.

SECTION 123. A net or seine which is used in violation of the provisions of the preceding section and a boat, craft or fishing apparatus which is employed in such illegal use, and all fish found therewith, shall be forfeited. An inhabitant of a town bordering on said bay may seize and detain for not more than forty-eight hours any net or seine found in use in violation of the provisions of the preceding section, and any boat, craft, fishing apparatus and fish found therewith, so that they may be seized and libelled.

When nets are nuisances.

SECTION 124. All nets and seines in actual use which are set or stretched in violation of the provisions of sections one hundred and twenty-two and one hundred and twenty-eight are declared to be common nuisances.

Fishing rights in Buzzard's bay.

SECTION 125. The provisions of the four preceding sections shall not affect the corporate rights of any fishing company situated on Buzzard's bay, nor the use of nets or seines in lawful fisheries for shad or alewives in influent streams of said bay.

Limits of Buzzard's bay.

SECTION 126. In the statutes of this commonwealth the term "waters of Buzzard's bay" shall be deemed to mean the body of water commonly known as Buzzard's bay and extending southwesterly to a line drawn from Cuttyhunk lighthouse to the southerly extremity of Gooseberry neck in the town of Westport.

AS AMENDED BY ACTS OF 1905, CHAP. 281.

Restrictions, Edgartown and Cottage City.¹

SECTION 127. Whoever sets or uses or aids in setting or using any seine, mesh net or gill net for the purpose of catching any other fish than mackerel, or by such means catches and retains any other fish than mackerel, in the waters of the towns of Edgartown and Cottage City,¹ within three miles from the shores thereof, may, upon view of the offence by any of the commissioners on fisheries and game or their deputies, or any officers qualified to serve criminal process or member of the district police, be arrested without warrant and prosecuted by him; and on conviction thereof shall be punished by a fine of not more than two hundred dollars, and, in the discretion of the court, shall forfeit to the commonwealth all fish taken in said nets. The provisions of this section shall not affect the rights of any persons mentioned in section twenty-three or the corporate rights of any fishing company; nor shall they prevent the inhabitants of said towns from taking menhaden for bait for their own use in the waters of their respective towns in the months of July, August, September and October.

SECTION 2. This act shall not restrict or affect the authority granted by chapter three hundred and one of the acts of the year nineteen hundred

¹ Now Oak Bluffs.

and four to the selectmen of the town of Edgartown to issue certain permits for the taking of bait.

ACTS OF 1907, CHAP. 301.

Restrictions in the waters of Barnstable and Mashpee on Nantucket sound.

SECTION 1. After the passage of this act no person shall draw, set, stretch or use any purse or sweep seine of any kind, except as is herein-after provided, for taking fish anywhere in the waters of the towns of Barnstable or Mashpee on Nantucket Sound, so-called, northerly of or within a straight line extended from Point Gammon to Succonessett Point; nor in any bay, harbor, cove or bight of said waters, nor in any inlet or stream flowing into the same: *provided, however*, that nothing herein contained shall be so construed as to forbid or make unlawful the catching of menhaden or other small fish for bait purposes, nor the use of nets for the taking of herring, nor the use of dredges or drag nets for the taking of scallops.

SECTION 2. Whoever violates any provision of this act, or aids or assists in so doing, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each offence, or by imprisonment for a term not exceeding six months.

SECTION 3. Any net, seine or movable device for catching fish used in violation of any provision of this act, together with any boat, craft, vessel, steamer or fishing apparatus employed in such illegal use, and any fish found therewith, are hereby declared to be public nuisances and forfeited; and it shall be lawful for any inhabitant of said Barnstable or Mashpee, or any constable, police officer or deputy sheriff in the commonwealth, to seize and detain, without warrant, for a period not exceeding forty-eight hours, any such net, seine or movable device, boat, craft, vessel, steamer or fishing apparatus found in use

contrary to the provisions of this act, and any fish found therewith, to the end that the same may be libelled, if necessary, by due process of law. District courts and trial justices shall have concurrent jurisdiction with the superior court of all offences and proceedings under the provisions of this act, regardless of the value of the property libelled.

ACTS OF 1904, CHAP. 118.

Restrictions, Pleasant bay, Orleans.

SECTION 1. No purse or sweep seines, set nets or gill nets, for the taking of fish shall be set, drawn, used or maintained in the waters of Pleasant bay or its tributaries in the town of Orleans; but nothing herein contained shall be construed to forbid or make unlawful the maintaining of traps, pounds or weirs under licenses granted in accordance with section one hundred and sixteen of chapter ninety-one of the Revised Laws.

SECTION 2. Any person who shall set, draw, use or maintain a purse or sweep seine, set net or gill net in violation of this act shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for a term not exceeding six months.

SECTION 3. Chapter one hundred and sixty-three of the acts of the year nineteen hundred and one is hereby repealed.

AS AMENDED BY ACTS OF 1907, CHAP. 298.

Restrictions, Westport.

SECTION 128. Whoever draws, sets, stretches or uses any net, purse or seine of any kind for taking fish in the waters of Westport river between the first day of May and the first day of November shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than three months, or by both such fine and

imprisonment; and it shall be the duty of every officer designated in section four of this chapter to seize fish killed contrary to the provisions of this chapter and to report the seizure to the commissioners on fisheries and game, who shall authorize the sale of such fish; and the proceeds of any such sale, after paying the expenses thereof, shall be paid into the treasury of the commonwealth.

SECTION 2. Section one hundred and twenty-nine of said chapter ninety-one is hereby repealed.

Fish wardens, Westport.

SECTION 130. The town of Westport shall at each annual town election choose by ballot for a term of three years a person who shall be sworn to enforce the provisions of section one hundred and twenty-eight.

ACTS OF 1904, CHAP. 319.

Fish wardens, Edgartown.

The town of Edgartown is hereby authorized to choose at any annual town meeting, or at any meeting duly called for the purpose, fish wardens, in such number and with such compensation as the town may determine, who shall be sworn to the faithful discharge of their duty, which shall be to enforce the fishery laws in that town; and for this purpose the fish wardens so chosen shall have the powers which the district police now have or shall hereafter have for the enforcement of the fishery laws of the commonwealth.

ACTS OF 1904, CHAP. 301.

Regarding eel bait, Edgartown.

SECTION 1. The selectmen of the town of Edgartown, or any two of them, may issue to any inhabitant of said town holding a permit for the taking of eels by means of pots, permits for the taking of bait for his own use only from the

waters of said town by means of nets or seines. Such permits shall not be issued for the use of nets or seines more than one hundred and fifty feet long, or of a size of mesh of more than three fourths of an inch, and shall be issued for the taking of such bait only between the first day of June and the fifteenth day of December in each year. The provisions of this act shall not affect the rights of the persons designated in section twenty-three of chapter ninety-one of the Revised Laws, or the corporate rights of any fishing company.

SECTION 2. So much of section one hundred and twenty-seven of chapter ninety-one of the Revised Laws and of any other act as is inconsistent herewith is hereby repealed.

GENERAL PROVISIONS.

Penalty for robbing pots, trawls, etc.

SECTION 131. Whoever takes any fish or lobster from a trap, trawl or seine net for catching fish or lobsters, without the consent of the owner thereof, and whoever wilfully molests or interferes with such trap, trawl or seine, shall, for the first offence, be punished by a fine of not less than five nor more than twenty-five dollars or by imprisonment for thirty days, or by both such fine and imprisonment; and for any subsequent offence, by a fine of not less than twenty nor more than fifty dollars or by imprisonment for sixty days, or by both such fine and imprisonment.

AS AMENDED BY ACTS OF 1908, CHAP. 492.

Apparatus for taking fish which frequent fresh water.

SECTION 132. Whoever takes any fish which at any season frequent fresh water, except as otherwise allowed in this chapter, in any other manner than by artificially or naturally baited hook and hand line, shall forfeit not less than five nor more than fifty dollars; but towns may

permit the use of nets and seines for taking herring and alewives; and nothing in this act shall be construed to prohibit the spearing of that species of fish commonly known as "suckers."

AS AMENDED BY ACTS OF 1903, CHAP. 246.

For the better protection of fish.

SECTION 133. Whoever puts or throws into any waters for the purpose of taking or destroying fish therein any poisonous substance, simple, mixed or compound, or whoever kills or destroys fish by the use of dynamite or other explosive, or explodes dynamite or powder in fishing waters, shall forfeit ten dollars for each offence: *provided, however*, that the provisions of this act shall not apply to operations of the federal government, of the state government, or of any municipal government in this commonwealth, nor to the use of explosives for raising the body of a drowned person.

Shellfish constables.

SECTION 134. The mayor and aldermen of a city or the selectmen of a town may designate one or more constables for the detection and prosecution of any violation of the laws of the commonwealth relative to shell fisheries. Such constables may arrest without warrant any person found violating such laws, and detain him for prosecution not more than twenty-four hours; and may seize any boat or vessel used in such violation, and her tackle, apparel and furniture and implements which shall be forfeited.

Time of prosecutions.

SECTION 135. Actions and prosecutions under the laws relative to fisheries shall, unless otherwise expressly provided, be commenced within one year after the time when the cause of action accrued or the offence was committed.

Duties of municipal officers, etc.

SECTION 136. The mayor and aldermen of cities, the selectmen of towns, police officers and constables shall cause the provisions of sections sixty-three, seventy-one and seventy-two to be enforced in their respective cities and towns.

ACTS OF 1908, CHAP. 330.**Disposition of fines recovered in prosecutions under the laws relating to fisheries, birds, animals and game.**

SECTION 1. All fines, penalties and forfeitures recovered in prosecutions under the laws relative to fisheries or to birds, animals and game, except as provided in section eighty-eight of chapter ninety-one of the Revised Laws, as amended by section one of chapter three hundred and three of the acts of the year nineteen hundred and seven, shall be equally divided between the county in which such prosecution is made and the commonwealth: *provided, however*, that if the plaintiff is a deputy appointed by the commissioners on fisheries and game and is receiving compensation from the commonwealth, such fines, penalties and forfeitures shall be paid into the treasury of the commonwealth.

SECTION 2. Section one hundred and thirty-seven of chapter ninety-one of the Revised Laws and section twenty of chapter ninety-two of the Revised Laws, as amended by chapter four hundred and forty-five of the acts of the year nineteen hundred and five and by chapter three hundred of the acts of the year nineteen hundred and seven, are hereby repealed.

Special statutes not repealed.

SECTION 138. The provisions of this chapter shall not repeal or affect any provisions or penalties contained or any privileges granted in any special statutes relating to fisheries in particular places.

*ACTS OF 1908, CHAP. 76.***Bounty on seals abolished.**

SECTION 1. Section one hundred and thirty-nine of chapter ninety-one of the Revised Laws, establishing a bounty for killing seals, is hereby repealed.

Kelp and seaweed.

SECTION 140. Any person may take and carry away kelp or other seaweed between high and low water mark while it is actually adrift in tide waters; but for such purpose no person shall enter on upland or on lawfully enclosed flats without the consent of the owner or lawful occupant thereof. The provisions of this section shall not apply to any city or town in which the subject matter thereof is regulated by special laws.

GAME LAWS.

REVISED LAWS, CHAP. 92.

PRESERVATION OF CERTAIN BIRDS AND ANIMALS.

ACTS OF 1905, CHAP. 317, AS AMENDED BY ACTS OF 1908, CHAP. 402; AS FURTHER AMENDED BY ACTS OF 1910, CHAP. 614.¹

Unnaturalized, foreign born persons must procure license to hunt.

SECTION 1. It shall be unlawful for any unnaturalized, foreign born person to hunt, pursue, trap or kill any wild bird or quadruped anywhere within the limits of the commonwealth, unless he is licensed so to do as hereinafter provided.

SECTION 2. City and town clerks shall, upon the application of any unnaturalized, foreign born person who is a resident of the city or town in which the application is made, and upon the payment of a fee of fifteen dollars, issue to such person a license, upon the form to be supplied by the commissioners on fisheries and game, bearing the name, age and place of residence of the licensee, with a description of him, as near as may be, and authorizing the said licensee to hunt and to kill game on any lands in which such hunting or killing is not forbidden by law or by written or printed notices posted thereon by the owner, lessee or occupant thereof. Such license shall be good only for that period of the year when game may lawfully be killed, and shall authorize the hunting or killing of game only under such restrictions and for such purposes as are imposed or authorized by law. The said license shall not be transferable, shall expire on the thirty-first day of December of the year of issue, and shall be exhibited upon demand to any of the commissioners on fisheries and game or their deputies,

¹ For laws relative to licensing and registration of hunters, disposition of license fees, etc., in effect after Jan. 1, 1912, see p. 90, Acts of 1911, Chapter 614.

and to any game warden or deputy game warden, and to any sheriff, constable, police officer or other officer qualified to serve process. The fees received for the said licenses shall, on the first Monday of every month, be paid to the board of commissioners on fisheries and game. The board of commissioners on fisheries and game shall, on the second Monday of every month, pay to the treasurer and receiver general all money received by them for such certificates issued during the previous month.

SECTION 3. A license granted hereunder shall be revoked by the city or town clerk issuing the same in case the licensee is convicted of a violation of fish and game laws, or of hunting upon Sunday in violation of law.

SECTION 4. It shall be the duty of the commissioners on fisheries and game, upon request by any city or town clerk, to supply such clerk with license forms prepared in accordance with the provisions of this act.

SECTION 5. Whoever violates any provision of this act shall be punished by a fine of not less than ten nor more than fifty dollars.

ACTS OF 1907, CHAP. 198, AS AMENDED BY ACTS OF 1909, CHAP. 262.¹

Non-resident hunters must procure licenses to hunt.

SECTION 1. If any person, not a bona fide resident of this commonwealth and actually domiciled therein for a period of six months, shall hunt, pursue or kill, within the limits of this commonwealth, any wild animal, wild fowl or bird without having first procured of the commissioners on fisheries and game a license to so hunt, pursue, or kill as hereinafter provided, he shall be fined, for each offence, a sum not exceeding fifty dollars, or be imprisoned for a term not exceeding thirty days, or shall suffer both such fine and imprisonment; and the same pen-

¹ See note on p. 84.

alties shall be imposed upon any such person who shall be convicted of so hunting, pursuing or killing such wild animal, wild fowl or bird on a license which has been issued in the name of another person.

SECTION 2. [Repealed by Acts of 1909, Chapter 262.]

SECTION 3. The commissioners on fisheries and game may, upon application therefor, issue a license to a non-resident which shall entitle such person to the privileges enjoyed by residents of this commonwealth as to the hunting and killing of all wild animals, wild fowl or birds. Such license shall be recorded in detail in books kept for that purpose, shall not be transferable nor available to any person other than the one named therein, shall be valid and in force only during the calendar year in which it is issued and dated, and shall entitle the licensee to hunt and kill only during the respective periods of the year when it is lawful for residents to so hunt and kill. Such license shall state the name, age, color of hair and eyes, and residence of the applicant.

SECTION 4. No license shall be valid unless the signature of the person to whom it is issued is written thereon, and every such person shall at all times when hunting carry his license on his person, and shall at all reasonable times and as often as requested produce and show such license to any person requesting him so to do, and if he fails or refuses so to do he shall forfeit the license and be deemed to be hunting in violation of the provisions of this act.

SECTION 5. Each non-resident hunting license shall entitle the licensee to carry from the commonwealth not more than six wild fowl or birds of all kinds, the exportation of which is prohibited by law, in any one calendar year: *provided*, that the owner thereof shall carry them open to view for inspection, shall present his license for inspection upon demand, and shall

have informed, by letter or otherwise, the commissioner who issued the license as to the number and kinds of wild fowl or birds which he intends to carry from the commonwealth. Whoever violates any provision of this section shall be fined not more than fifty dollars, or be imprisoned for not more than thirty days, or shall suffer both such fine and imprisonment.

SECTION 6. The commissioners on fisheries and game, and the detectives in their employ, shall have the right, after demand and refusal or failure to exhibit any such license, to arrest without warrant any non-resident person or persons found hunting, pursuing or killing any wild animal, wild fowl or bird, and for the purpose of this arrest any person who shall refuse to state his name and place of residence on demand of such officer shall be deemed a non-resident.

SECTION 7. The fee for the license aforesaid shall be ten dollars except as hereinafter provided, and the money received for the said licenses by the commissioners shall be paid into the treasury of the commonwealth. The fee for the said license shall be one dollar for the following classes of persons: — (1) A resident of another state who owns real estate situated in this commonwealth, which is assessed for taxation at not less than five hundred dollars. (2) A non-resident member of any association, incorporated prior to the year nineteen hundred and seven, for the purpose of hunting or fishing, provided that such corporation owns real estate in this commonwealth, which is assessed for taxation at not less than one thousand dollars. (3) A non-resident who, on the written invitation of a member of any club incorporated under the laws of Massachusetts, attends a meeting of such club for the purpose of hunting foxes only, during a period not exceeding four days, provided that the membership list of the club shall be filed with the commissioners on fisheries and game.

ACTS OF 1908, CHAP. 484, AS AMENDED BY ACTS OF 1909, CHAP. 325; AS FURTHER AMENDED BY ACTS OF 1910, CHAP. 614, AND ACTS OF 1911, CHAP. 235.¹

The registration of hunters.

SECTION 1. No citizen of the United States resident in Massachusetts shall hunt, pursue, take, or kill any bird or quadruped protected by law or use a gun for hunting, except as herein provided, without first having obtained a certificate of registration as hereinafter provided: *provided, however*, that nothing in this act shall be construed as affecting in any way the provisions of the general laws relating to trespass, or as authorizing the hunting, pursuing, taking, wounding, or killing, or the possession of birds or quadrupeds contrary to any laws now or hereinafter in force, nor shall the possession of such certificate of registration grant or confer any privilege not enjoyed prior to the passage of this act.

SECTION 2. The clerk of any city or town shall, upon the application of any such bona fide resident citizen who shall prove to the satisfaction of the clerk issuing said license that he is a citizen of this state and the payment of the registration fee and recording fee hereinafter provided, issue to such person a certificate in the form prescribed and upon blanks furnished by the commissioners on fisheries and game: *provided, however*, that an application for a license for a minor under sixteen years of age must be accompanied by a written request from his parent or guardian, which certificate shall bear the name, age, occupation, place of residence, signature and an identifying description of the person thus registered, and shall authorize the person so registered to hunt game birds and game quadrupeds during the period when the same, respectively, may lawfully be killed, and at no other time, and only subject to the restrictions

¹ See note on p. 84.

and conditions as provided by law. Said certificates shall be valid until January first next following the date of issue and no longer, shall not be transferable, and shall be carried on the person when hunting and produced for examination upon demand of any commissioner of fisheries and game, or their deputies or upon demand of any sheriff, constable, police officer, or other officer authorized to arrest for crime, or of the owner or lessee in actual occupancy of any land upon which such registered person may be found. Failure or refusal to produce said certificate upon such demand shall be prima facie evidence of a violation of this act.

SECTION 3. Every citizen of the United States who is a bona fide resident of this state shall pay for such certificate a fee of one dollar, of which sum fifteen cents shall be returned by the state treasurer to the clerk of the city or town in which the certificate is recorded, if the annual salary of such clerk does not exceed five hundred dollars, but if his salary exceeds five hundred dollars no part of said fee shall be returned to him; and the board of commissioners on fisheries and game shall annually, in the month of April, prepare and furnish to the treasurer and receiver general a list of all city and town clerks who are entitled to receive a return fee of fifteen cents for each license issued, as provided in this section: *provided, however*, that this act shall not apply to any such citizen who is a bona fide resident on land owned or leased by him and on which he is actually domiciled, which land is used exclusively for agricultural purposes, and not for club or shooting purposes.

SECTION 4. Every city and town clerk shall keep a record of all such certificates issued by him, which record shall be open to inspection by all officers authorized to make arrests, and by the state treasurer and the state auditor or their agents, and by the commissioners on fisheries

and game and their deputies; and such clerk shall, on the first Monday of every month, pay to the board of commissioners on fisheries and game all money received by him for such certificates issued during the month preceding. The board of commissioners on fisheries and game shall, on the second Monday of every month, pay to the treasurer and receiver general all money received by them for such certificates issued during the previous month and furnish to him a list of the number and kind of certificates so issued by each city and town clerk during the previous month.

SECTION 5. Any person who shall violate any provision of this act shall be fined not less than ten nor more than fifty dollars, or be imprisoned for not more than thirty days, or shall be punished by both such fine and imprisonment; and the certificate of any person who shall be convicted of a violation of any law relating to birds or quadrupeds, or of any provision of this act, shall be void and the said certificate shall be surrendered by him to the court, and such person shall not receive a certificate during the period of one year from the date of such conviction.

ACTS OF 1911, CHAP. 614.

Licensing and registration of hunters and disposition of the license fees.

SECTION 1. It shall be unlawful for any person to hunt, pursue, take or kill any bird or quadruped without first having obtained a certificate of registration as hereinafter provided: *provided, however*, that nothing in this act shall be construed as affecting in any way the provisions of the general laws relating to trespass, or as authorizing the hunting, pursuing, taking, wounding or killing, or the possession of birds or quadrupeds contrary to any laws now or hereafter in force, nor shall the possession of the said certificate of registration grant or confer

any privilege not enjoyed prior to the passage of this act. But this act shall not prohibit any person who is a legal resident of Massachusetts from hunting on land owned or leased by him, provided that he is actually domiciled on such land, and that the land is used exclusively for agricultural purposes, and not for club or shooting purposes.

SECTION 2. The clerk of any city or town shall, upon the application of any person entitled to receive a certificate of registration under any of the classes hereinafter described, and upon payment of the registration fee hereinafter specified, and the furnishing of an affidavit by any non-resident who desires to be classified under clauses one, two and three of section four of this act, register and issue to such person a certificate in the form prescribed and upon a blank furnished by the commissioners on fisheries and game, which certificate shall bear the name, age, occupation, place of residence, and signature and identifying description of the person thus registered, and shall authorize the person so registered to hunt birds and quadrupeds, subject to such conditions as are provided by law. Said certificate shall be valid only to January first next following the date of issue and no longer, shall not be transferable, and shall be produced for examination upon demand of any person. Failure or refusal to produce said certificate upon such demand shall be prima facie evidence of the violation of this act.

SECTION 3. Every unnaturalized, foreign-born person shall pay for such registration a fee of fifteen dollars to the clerk of the city or town in which he resides and from whom he procures his certificate.

SECTION 4. Every citizen of the United States, not a legal resident of this commonwealth, and not having been actually domiciled therein for a period of six months, shall pay for said

registration a fee of ten dollars to the clerk of the city or town from whom he procures his certificate, except such persons as come within one of the three following classes, in which case the applicant shall pay for his registration the sum of one dollar to the clerk of the city or town from whom he procures his certificate.

(1) The resident of another state who owns real estate situated in this commonwealth which is assessed for taxation at not less than five hundred dollars.

(2) A non-resident member of any association incorporated prior to the year nineteen hundred and seven for the purpose of hunting: *provided*, that such corporation owns real estate in this commonwealth which is assessed for taxation at not less than one thousand dollars.

(3) A non-resident who, on the written invitation of a member of any club incorporated under the laws of Massachusetts, attends the meeting of such club for the purpose of hunting foxes only, during a period not exceeding four days: *provided*, that the membership list of the club shall be filed with the clerk of the town in which the hunt takes place.

SECTION 5. Every citizen of the United States who is a legal resident of this commonwealth shall pay for such registration the fee of one dollar to the clerk of the city or town for whom he procures his certificate.

SECTION 6. Out of the fee paid in any and all of the foregoing classes the sum of fifteen cents shall be retained by the clerk of the city or town in which the registration is recorded, if the annual salary of such clerk does not exceed five hundred dollars; but if his salary exceeds five hundred dollars, no part of said fee shall be retained by him.

SECTION 7. Minors under sixteen years of age, upon making application for registration, shall furnish the consent of their parents or

guardian in writing, and such written consent shall be filed with the records of such application.

SECTION 8. Whoever loses, or by mistake or accident destroys his certificate of registration may, upon application to the commission on fisheries and game accompanied by an affidavit fully setting forth the circumstances of the loss, receive without charge a duplicate certificate for the remainder of the year covered by the original certificate.

SECTION 9. Every city and town clerk shall report all such registration in books kept for that purpose, which books shall be open to public inspection during the usual office hours of such clerk, and subject to audit and inspection by the commissioners on fisheries and game, by the state auditor, or by their agents, at all times; and said clerk shall, on the first Monday of every month, pay to the board of commissioners on fisheries and game all money received by him for the said registrations, except the recording fees which he is entitled to retain, as provided in section six, together with a receipted bill for fees due and received in accordance with section six of this act, issued during the month preceding. All remittances shall be made by certified check, United States post office money order, express money order or lawful money of the United States. The board of commissioners on fisheries and game shall, in accordance with the provisions of section fifty-six of chapter six of the Revised Laws, pay to the treasurer and receiver general all money received by them for the said registrations issued during the previous month, and shall furnish him with a list of the number and kind of registrations recorded by each city and town clerk during the previous month.

SECTION 10. A non-resident hunting license shall entitle the licensee to carry from the commonwealth and into any other state according

similar privileges not more than ten wild fowl, or game birds of all kinds, the exportation of which is prohibited by law, in any one calendar year: *provided*, that the licensee shall carry them open to view for inspection, shall present his certificate for inspection upon demand, and shall have informed by letter or otherwise the commissioners on fisheries and game or the deputy in whose district the said non-resident is hunting, as to the number and kinds of wild fowl or game birds which he intends to carry from the commonwealth.

SECTION 11. Any person who makes a false representation as to birthplace, requirements for identification, or of facts relative to property qualifications, or naturalization, or otherwise violates any provision of this act shall be fined not less than ten or more than fifty dollars, or be imprisoned for not more than thirty days, or may be punished by both such fine and imprisonment. Every person convicted of violating the game laws shall immediately surrender to the officer who secures such conviction his certificate of registration; and the officer shall forthwith forward said certificate to the commissioners on fisheries and game, who shall cancel the same and notify the clerk issuing the certificate of registration of the cancellation. No other certificate of registration shall be issued to such person so convicted during a period of one year after the date of conviction.

SECTION 12. The fees and fines received under the provisions of this act shall be paid into the treasury of the commonwealth.

SECTION 13. Chapter three hundred and seventeen of the acts of the year nineteen hundred and five, as amended by chapter four hundred and two of the acts of the year nineteen hundred and eight, and by chapter two hundred and sixty-two of the acts of the year nineteen hundred and nine, and by chapter six hundred and

fourteen of the acts of the year nineteen hundred and ten; chapter one hundred and ninety-eight of the acts of the year nineteen hundred and seven, as amended by chapter two hundred and sixty-two of the acts of the year nineteen hundred and nine; chapter four hundred and eighty-four of the acts of the year nineteen hundred and eight, as amended by chapter three hundred and twenty-five of the acts of the year nineteen hundred and nine, and by chapter six hundred and fourteen of the acts of the year nineteen hundred and ten; and all acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 14. This act shall take effect January first, nineteen hundred and twelve.

AS AMENDED BY ACTS OF 1904, CHAP. 176.

Lord's day, close season.

SECTION 1. The Lord's day shall be close season. Whoever hunts or destroys birds, wild animals or game of any kind on the Lord's day shall be liable to a penalty of not less than ten nor more than twenty dollars in addition to any penalties for taking, killing or having in possession birds, wild animals or game protected by law.

ACTS OF 1909, CHAP. 422.

Governor may proclaim a close season for game in times of drouth.

SECTION 1. Whenever, during an open season for the hunting of any kind of game in this state, it shall appear to the governor that by reason of extreme drouth the use of firearms in the forest is liable to cause forest fires, he may, by proclamation, suspend the open season and make it a close season for the shooting of birds and wild animals of every kind for such time as he may designate, and may prohibit the discharge of firearms in or near forest land during the said time.

SECTION 2. During the time designated as above by the governor, all provisions of law relating to the close season shall be in force, and whoever violates any such provision shall be subject to the penalties prescribed therefor. In case any person shall, during a close season proclaimed as aforesaid, discharge a firearm in or near forest land, or shoot any wild animal or bird, as to which there is no close season otherwise provided by law, he shall be subject to a fine of not more than one hundred dollars.

SECTION 3. A proclamation issued under authority hereof shall be published in such newspapers of the state and posted in such places and in such manner as the governor may direct, under the charge and direction of the state forester and the commissioners on fisheries and game.

ACTS OF 1911, CHAP. 236.

Ruffed grouse and woodcock.

SECTION 1. It shall be unlawful, excepting only between the fifteenth day of October and the fifteenth day of November of each year, both dates inclusive, to hunt, pursue, take or kill a ruffed grouse, commonly called partridge, or a woodcock, or to have the same, or any part thereof, in possession, whenever or wherever the same may have been taken or killed; and it shall be unlawful at any time to buy, sell, offer for sale, or otherwise dispose of a ruffed grouse or woodcock or any part thereof, whenever or wherever the same may have been taken or killed; and it shall be unlawful at any time to take or send or cause to be taken or transported beyond the limits of the commonwealth the above named birds, or to have in possession any such bird with intent to take or cause the same to be taken out of the commonwealth.

SECTION 2. So much of chapter ninety-two of the Revised Laws as is inconsistent herewith, and chapter four hundred and forty-one of the

acts of the year nineteen hundred and eight, chapter two hundred and seventy-two of the acts of the year nineteen hundred and nine, and chapter three hundred and sixty-five of the acts of the year nineteen hundred and ten, are hereby repealed.

SECTION 3. Whoever violates the provisions of this act shall be punished by a fine of twenty dollars for each bird or part thereof in respect to which the violation occurs; and possession of a ruffed grouse or woodcock, except during the open season, as provided above, shall be *prima facie* evidence that the person having possession has violated the provisions of this act.

ACTS OF 1911, CHAP. 356.

Quail.

SECTION 1. It shall be unlawful excepting only between the fifteenth day of October and the fifteenth day of November of each year, both dates inclusive, to hunt, pursue, take or kill a quail or to have the same, or any part thereof, in possession except as provided in sections two and three hereof; and it shall be unlawful at any time to take or send or cause to be taken or transported beyond the limits of the commonwealth a quail which was taken or killed within the commonwealth, or to have in possession quail with intent to take or cause the same to be taken out of the commonwealth, except quail artificially propagated as provided in section two hereof.

SECTION 2. Upon application to the board of commissioners on fisheries and game, written permission may be granted to any person to engage in the rearing of quail and to dispose of the same under such rules and regulations, approved by the governor and council, as may be made from time to time by the commissioners, and such artificially propagated quail may be bought, sold and had in possession at any season of the year for the purposes of propagation.

SECTION 3. It shall be unlawful to buy, sell, offer for sale or otherwise dispose of at any time a quail, or any part thereof, whenever or wherever such bird may have been taken or killed: *provided, however*, that a person, firm or corporation dealing in game, or engaged in the cold storage business, may buy, sell or have in possession, and a person may buy from such person, firm or corporation, and may have in possession if so bought, quail from the first day of November to the first day of January following, if such quail or parts thereof were not taken in this commonwealth, and were not taken, killed, bought, sold or otherwise disposed of or transported contrary to the laws of any state or country. And a person, firm or corporation dealing in game or engaged in the cold storage business may have quail in possession in cold storage for storage purposes, at any season, if such quail were not taken or killed in this commonwealth, and were not taken, killed, bought, sold or otherwise procured or disposed of, or transported contrary to the laws of the state or country in which the quail were taken, killed, or transported; *provided, however*, that such persons, firms or corporations shall have notified in writing the commissioners on fisheries and game on or before January first in each year, of the species, number of each species, and place of storage of such birds, and that such birds are in places and packages convenient for sealing, and that the packages are plainly marked with the name and number of the birds therein. The commissioners or their deputies shall then place a seal upon all receptacles and packages containing any species of quail. The said seal shall not be removed by any person other than the commissioners on fisheries and game or their deputies, and shall be removed by the said commissioners or their deputies upon the first day of November of each year. The packages so sealed shall

not be opened or removed from that storage warehouse under a penalty of twenty dollars for each bird. But any person, firm or corporation holding a permit from the commissioners on fisheries and game may buy, sell or have in possession live quail for purposes of propagation within the commonwealth, and for no other purpose.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine of twenty dollars for each bird or part thereof, in respect to which the violation occurs. The possession, except as provided above, of quail during the season when taking, killing, or sale is prohibited by law shall be prima facie evidence that the person having possession has violated some provision of this act.

SECTION 5. So much of chapter ninety-two of the Revised Laws as is inconsistent herewith and chapter four hundred and forty-one of the acts of the year nineteen hundred and eight, and chapter two hundred and seventy-two of the acts of the year nineteen hundred and nine, and chapter three hundred and sixty-five of the acts of the year nineteen hundred and ten, are hereby repealed.

ACTS OF 1911, CHAP. 19.

Gray, European, or Hungarian partridge.

SECTION 1. It shall be unlawful to hunt, pursue, take or kill, sell or offer for sale, or to have in possession, the bird known as *Perdix cinerea*, commonly called Hungarian partridge, gray or European partridge, except as hereinafter provided.

SECTION 2. Upon application to the commissioners on fisheries and game written permission may be granted to any person to engage in rearing of this bird, and to dispose of the same, under such rules and regulations, approved by

the governor and council, as may be made from time to time by the commissioners. Such artificially propagated birds, Hungarian partridge, gray or European partridge, may be sold or had in possession at any season of the year for purposes of propagation.

SECTION 3. Whoever violates any provision of this act, or any rule or regulation made as aforesaid, shall be punished by a fine not exceeding fifty dollars for each bird or part thereof in respect to which the violation occurs.

ACTS OF 1907, CHAP. 118.

Protection of loons and eagles.

SECTION 1. It shall be unlawful to hunt, capture, wound or kill a loon in or upon fresh water, or an eagle in any place.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of twenty dollars.

ACTS OF 1906, CHAP. 141, AS AMENDED BY ACTS OF 1911,
CHAP. 18.

To prevent the extermination of the heath hen, so called.

SECTION 1. It shall be unlawful to hunt, take or kill that species of pinnated grouse commonly called heath hen, and scientifically known as *Tympanuchus cupido*, or to buy, sell, otherwise dispose of, or have in possession the same or any part thereof, previous to the first day of November in the year nineteen hundred and sixteen.

SECTION 2. So much of section four of chapter ninety-two of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of one hundred dollars for each bird or part thereof in respect to which the violation occurs.

ACTS OF 1907, CHAP. 504.

Authorizes the taking of certain unimproved land upon the island of Martha's Vineyard for the protection of pinnated grouse and other birds.

SECTION 1. The commissioners on fisheries and game are hereby authorized to take, or receive as a gift, or lease, for and in the name of the commonwealth such unimproved lands on the island of Martha's Vineyard, not exceeding one thousand acres, and such other property as they may deem necessary for the purpose of making fire stops for the protection from fire of the feeding and breeding grounds of the pinnated grouse, or of otherwise securing the maintenance and increase of the said birds, or of any other species of wild birds upon said island; and the control and the use of the lands or other property so acquired or leased, or of any land or property otherwise placed under the temporary or permanent control of said commissioners for the said purposes shall be vested in said commissioners, and the provisions of chapter three hundred and twenty-seven of the acts of the year nineteen hundred and six shall apply thereto.

SECTION 2. Said commissioners shall, within thirty days after taking any land under this act, file and cause to be recorded in the office of the register of deeds for the county of Dukes County at Edgartown, a certificate describing by metes and bounds the land so taken, stating the names of the owners, so far as they may be known, and also stating the purpose of such taking as hereinbefore specified. Said plan and certificate shall be signed by said commissioners, or by a majority of them.

SECTION 3. Any person sustaining damages by the taking of land as herein provided, who fails to agree with said commissioners as to the amount thereof, may, on application at any time within one year after the taking of such land, have the same assessed and determined in the

manner provided by law in the case of land taken for the laying out of highways.

SECTION 4. In any proceeding for the recovery of damages hereunder, said commissioners may offer in court and may consent in writing that the sum therein specified may be awarded to the complainant as damages, and if the complainant shall not accept the same within ten days after he has received notice of such offer and shall not finally recover a greater sum than that offered, not including interest on the sum recovered in damages from the date of the offer, said commissioners shall be entitled to recover costs after such date, and the complainant, if he recover damages, shall be allowed costs only to the date of the offer unless the damages so recovered shall be in excess of the amount offered as aforesaid by said commissioners.

SECTION 5. For the purpose of acquiring said lands as aforesaid, and for the preparation of said fire stops and for other work, incidental to the purposes hereinbefore set forth, and for investigating and reporting upon the best methods and probable cost of protecting and increasing the colonies of birds on the island, the sum of two thousand dollars may be expended; and said commissioners may also expend in accordance with the provisions of this act such other sums as towns, associations or individuals may from time to time pay to the treasurer of the commonwealth for the said purposes.

ACTS OF 1906, CHAP. 304.

Prohibits the sale of prairie chickens.

SECTION 1. It shall be unlawful to buy, sell, or otherwise dispose of, or to have in possession, a prairie chicken, scientifically known as *Tympanuchus Americanus*, and as *Pedioecetes phasianellus*, or any part thereof, whenever or wherever taken.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of twenty

dollars for each bird or part thereof, in respect to which the violation occurs, and possession shall be prima facie evidence that the person having possession has violated the provisions of this act.

ACTS OF 1911, CHAP. 343.

Protection and importation of wild turkeys.

SECTION 1. It shall be unlawful prior to the first day of September in the year nineteen hundred and fifteen to hunt, take or kill a wild turkey scientifically known as *meleagris gallopavo*.

SECTION 2. It shall be unlawful to import into or to liberate within this commonwealth any wild turkey which is infected with the disease termed *coccidiosis*, or *enterohepatitis*, commonly known as "black head", or to import any living wild turkey except under a special written permit from the board of commissioners on fisheries and game.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of twenty dollars.

ACTS OF 1906, CHAP. 274. AS AMENDED BY ACTS OF 1911,
CHAP. 39.

Relative to the protection of wood or summer duck.

SECTION 1. It shall be unlawful, prior to the first day of September in the year nineteen hundred and sixteen, to hunt, capture, wound or kill a wood or summer duck.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine of not more than fifty dollars for each violation. The possession of any wood duck or summer duck, or any part thereof, shall be prima facie evidence of a violation of the provisions of this act.

ACTS OF 1909, CHAP. 362.

State reservations are refuges for birds and game.

SECTION 1. No person shall hunt, pursue, take, kill or in any manner molest or destroy any

wild bird or game within the exterior boundaries of any state reservation, park, common or any land held in trust for public use, except that the authorities or persons having the control and charge of such reservations, parks, commons or other lands may in their discretion, and with such limitations as they may deem advisable, authorize persons to hunt, take or kill within said boundaries any wild birds or animals which are not now protected by law. Such authorizations shall be by written license, and the license shall be revocable at the pleasure of the authorities or persons granting it.

SECTION 2. The boards, officials and persons having charge of reservations, parks, commons and lands held for public use shall enforce the provisions of this act.

SECTION 3. Every violation of any provision of this act shall be punished by a fine not exceeding twenty-five dollars.

ACTS OF 1911, CHAP. 410.

Establishment of state bird and game preserves and the protection and propagation of wild birds and quadrupeds.

SECTION 1. For the purpose of protecting any species of useful wild birds or quadrupeds and for aiding the propagation thereof the board of commissioners on fisheries and game may acquire in fee by purchase, gift or devise, or may lease, or, with the consent of the owners, may control any land, water or shore or the right to use the same, including the right of the public in such land or on such water or shore, as a bird and game preserve.

SECTION 2. For the purposes aforesaid the said commissioners, upon a petition filed with them by the mayor and aldermen of a city or the selectmen of a town, or by one or more owners of land, water or shore, if satisfied of the suitable character and situation of the same, may, with the consent of the owners, order a close season

for one or more periods, not exceeding five years each, on all wild birds and quadrupeds within the area or any part thereof specified in the petition. But before making any order under such petition, the commissioners shall give a public hearing upon the matter at some place in or near the territory under consideration, of which meeting and of their intention in the matter notice shall be given by publication once a week for two successive weeks in one or more newspapers published in the county or counties embracing the territory, the last publication to be at least seven days prior to the time fixed for the hearing.

SECTION 3. In respect to any territory acquired or controlled as above provided or any territory upon which a close season has been ordered as above provided, the said commissioners may make such use of the land, water or shore within the territory as they may deem best for the purpose of improving the feeding and nesting environment of birds or game, and may from time to time make such rules and regulations relating to such territory as may seem to them proper, and such rules and regulations when approved by the governor and council shall have the force of laws. The said commissioners are authorized to liberate birds within the limits of the said reservations, and, when in their opinion such action is advisable, to cooperate with land owners within such territory in experiments in the propagation of birds or quadrupeds.

SECTION 4. The said commissioners may appoint deputies to enforce the provisions of this act and any rules and regulations made hereunder, and may authorize in writing any such deputy or the owner or occupant of any land within any such territory to hunt, pursue, trap, snare or kill within the said territory and under the direction of the said commissioners any quadrupeds or birds which they may consider

harmful to birds and game or to agriculture, or to take or remove the nests or eggs of any such bird.

SECTION 5. If an order is made by the commissioners as aforesaid establishing a close season or a preserve as above provided, the commission shall cause a copy of the order to be published once a week for two successive weeks in one or more newspaper published in the county or counties embracing the territory, and shall cause copies of the order to be posted in conspicuous places within the cities or towns in which the territory is situated, and also within the limits of the territory itself. If a great pond or any part thereof or any seashore is included within the territory as to which a close season is ordered as aforesaid, a copy of the order shall be filed in the office of the clerk of any city or town bordering upon the pond or seashore, and also in the office of the secretary of the commonwealth. An order made by the commission in accordance with the provisions hereof shall take effect, when it is posted as above provided. Any order made in accordance with the provisions hereof shall contain a full description of the territory so established, and the period for which it is closed, if any such period is adopted.

SECTION 6. The commissioners may annually expend, in carrying out the provisions of this act, such sum as the general court may from year to year appropriate, which shall be paid out of the treasury of the commonwealth.

SECTION 7. Whenever a territory has been established as a preserve or when a close season has been established upon a territory by an order as above provided, it shall be unlawful for any person, except as above provided, to molest, hunt, pursue, take or kill any bird or quadruped within the said territory, or therein to disturb or injure any nest, eggs or young or to remove the eggs or young from the nest.

SECTION 8. The entrance of any person with a firearm or any device adapted for killing or injuring birds or quadrupeds or with a trap or snare upon any territory established as a preserve, or upon any territory upon which a close season has been established, according to the provisions of this act, shall be *prima facie* evidence of a violation of the provisions of this act.

SECTION 9. Whoever violates any provision of this act or of any rule or regulation made hereunder shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

ACTS OF 1909, CHAP. 421.

Protection of ducks, geese, brant and swans.

SECTION 1. It shall be unlawful to kill a swan at any time or to pursue, hunt, take or kill any other of the Anatidae, commonly known as wild geese, brant, ducks and teal between the thirty-first day of December and the fifteenth day of September following, or to buy, sell, offer for sale, or have in possession any swan or any other of the Anatidae, or any part of any one of said birds during the time when the taking or killing of them is prohibited by law, whenever or wherever said birds may be taken or killed: *provided, however,* that any person, firm or corporation holding a written permit from the commissioners on fisheries and game may buy, sell, or have in possession any species of the Anatidae for purposes of propagation only; and *provided, further,* that nothing in this act shall prevent the taking or possession of any of said birds by incorporated natural history associations and museums, or holders of certificates legally authorizing the collection of specimens for scientific purposes, or continued possession of such birds or parts thereof for scientific purposes by such museums,

associations or holders of such certificates, and *provided, further*, that a person, firm or corporation dealing in game or engaged in the cold storage business may have in possession for storage any species of duck or goose, between the first day of January and the fifteenth day of September following, if such birds were not taken or killed in this commonwealth contrary to the provisions of this act, or were not taken, killed, or transported contrary to the law of the state or country in which such birds were taken or killed, and *provided, also*, that such persons, firms or corporations shall have notified in writing the commissioners on fisheries and game on or before January first of the species, number of each species, and place of storage of such birds, and that such birds are in places and packages convenient for sealing. The commissioners or their deputies shall then place a seal upon all receptacles and packages containing any species of wild duck or goose. The said seal shall not be removed by any person other than the commissioners on fisheries and game or their deputies, under a penalty of twenty dollars for each bird, and shall be removed by the said commissioners or their deputies upon the fifteenth day of September of each year. The packages or contents thereof so sealed shall not be removed from the storage warehouse until the seal has been removed as above provided, under a penalty of twenty dollars for each bird.

SECTION 2. Any resident of the commonwealth may apply to the commissioners on fisheries and game for a permit to bring into the commonwealth any of the above named species of birds, during the close season above provided, to a number not exceeding fifty birds in any one year, and the said commissioners may grant such permits upon such conditions and for such terms as they may deem expedient, and they may suspend or revoke a permit so granted.

SECTION 3. All acts and parts of acts inconsistent herewith, excepting chapter two hundred and seventy-four of the acts of the year nineteen hundred and six, which establishes a close season on the wood duck until the year nineteen hundred and eleven, are hereby repealed.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine of not less than twenty dollars for each offence.

ACTS OF 1911, CHAP. 187.

Shooting of certain wild fowl.

SECTION 1. It shall be unlawful to pursue, hunt, take or kill any of the wild fowl included under the name of *Anatidæ* during the time between two hours after sunset and two hours before sunrise.

SECTION 2. Whoever violates the provisions of this act shall be fined a sum not exceeding fifty dollars for each bird in respect to which the violation occurs.

ACTS OF 1911, CHAP. 188.

Limits the number of black ducks that may be taken in any one day.

SECTION 1. It shall be unlawful for any person to take or kill more than fifteen black ducks in any one calendar day.

SECTION 2. Whoever violates the provisions of this act shall be fined not less than twenty dollars for each bird in respect to which the violation occurs.

ACTS OF 1905, CHAP. 273.

Shooting wild ducks and geese in Dukes County.

SECTION 1. It shall be unlawful in the county of Dukes County for any person to shoot or kill wild ducks or geese in any fresh water pond from a boat, raft or other device located at a greater distance than fifty yards from the shore.

SECTION 2. Any person violating any provision of this act shall be punished by a fine of not less than five nor more than two hundred and fifty dollars.

ACTS OF 1908, CHAP. 331.

Pursuit and shooting of wild fowl in certain waters of the town of Edgartown.

SECTION 1. No person shall, in or with any boat, hunt, chase or pursue any wild water-fowl in the inner harbor of Edgartown, including those parts known as Katama bay and Mattakessett bay, or in Cape Poge pond, so-called, in Edgartown, or in that part of the outer harbor of Edgartown which lies southerly or easterly of a straight line drawn from Cape Poge lighthouse to and through and onward from the harbor lighthouse of Edgartown; and no person shall in or upon any of said waters shoot at any wild water-fowl from any boat unless said boat be lying at anchor or be stationed upon the shore or other land or upon or against the ice: *provided, however,* that for the purpose of killing and securing any wild water-fowl just wounded by him or his companion, in lawful shooting, any person may pursue such wounded fowl with a boat, propelled by oar or oars only, to a distance not exceeding one hundred yards from the spot where the same was wounded, and may shoot the same from said boat within said distance.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not less than five nor more than fifty dollars.

ACTS OF 1907, CHAP. 284.

Hunting wild ducks or geese on fresh-water ponds in the county of Dukes County.

SECTION 1. It shall be unlawful in the county of Dukes County for any person to pursue, drive, hunt, injure, shoot or kill wild ducks or geese in

any fresh water pond from a boat, raft or other floating device.

SECTION 2. Any person violating any provision of this act shall be punished by a fine of not less than five nor more than two hundred and fifty dollars for each offence.

SECTION 3. Any acts or parts of acts inconsistent herewith are hereby repealed.

ACTS OF 1906, CHAP. 292, AS AMENDED BY ACTS OF 1911, CHAP. 234.

Use of live decoys prohibited for hunting water fowl in the county of Nantucket.

SECTION 1. It shall be unlawful to use live decoys for the hunting, taking or killing of water fowl of any kind in the county of Nantucket. The possession of live decoys shall be deemed prima facie evidence of an intent to use the same for the hunting, taking or killing of water fowl in violation of the provisions of this section.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence.

ACTS OF 1910, CHAP. 472.

Protecting upland plover, wild pigeons, gulls and terns.

SECTION 1. Whoever takes or kills a Bartramian sandpiper, also called upland plover, before the fifteenth day of July in the year nineteen hundred and fifteen, a wild or passenger pigeon, a Carolina or mourning dove, a gull or tern at any time, shall be punished by a fine of ten dollars for every bird so taken or killed.

SECTION 2. Section five of chapter ninety-two of the Revised Laws as amended by chapter one hundred and sixty-two of the acts of the year nineteen hundred and three, and by chapter four hundred and fourteen of the acts of the year nineteen hundred and five, and so much of section

three of chapter five hundred and eight of the acts of the year nineteen hundred and nine as relates to the Bartramian sandpiper, also called upland plover, are hereby repealed.

SECTION 3. This act shall take effect on the fifteenth day of July in the year nineteen hundred and ten.

ACTS OF 1903, CHAP. 244.

Protection of certain marsh birds.

SECTION 1. Whoever takes or kills any heron or bittern, or has in possession any such bird or part thereof, whenever or wherever taken, shall be punished by a fine not exceeding ten dollars for every bird so taken or killed, or bird or part of a bird so had in possession.

SECTION 2. Nothing in this act shall prevent the owner or keeper of any trout pond or trout hatchery from killing any heron or bittern engaged in the act of destroying fish; nor shall anything herein contained prevent the taking or possession of said birds by natural history associations, museums, or holders of certificates authorizing the collection of specimens for scientific purposes.

ACTS OF 1909, CHAP. 508.

Protection of shore, marsh and beach birds.

SECTION 1. It shall be unlawful to take, kill or pursue with intent to kill, or to buy, sell, offer for sale, or have in possession any of the Limicolæ, known as peeps, plover, snipe or sandpipers or any of the Rallidæ known as rails, gallinules and quarks or mud hens, all of which birds are known collectively as shore, marsh or beach birds, between the thirty-first day of December and the first day of August following, or a piping plover or a kildeer plover at any time: *provided, however,* that this act shall not be construed to prohibit the possession in public storage warehouses of any of the said birds deposited therein during the season when the same may lawfully

be taken; and *provided, further*, that nothing in this act shall prohibit the taking or possession of the said birds by incorporated natural history associations or museums or by holders of certificates lawfully authorizing the collection of specimens for scientific purposes.

SECTION 2. The commissioners on fisheries and game may, in their discretion, and under such restrictions as they may impose, permit any person to bring into the commonwealth any of the aforesaid birds to a number not exceeding fifty in any one year, during the close season: *provided*, that such birds shall not be sold or otherwise disposed of for profit.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, except that part of section five of chapter ninety-two of the Revised Laws, as amended by chapter one hundred and sixty-two of the acts of the year nineteen hundred and three and by chapter four hundred and fourteen of the acts of the year nineteen hundred and five, relative to the Bartramian sandpiper, also called upland plover, and that part of section one of chapter four hundred and forty-one of the acts of the year nineteen hundred and eight relative to the protection of woodcock.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine of not less than twenty dollars for each offence.

AS AMENDED BY ACTS OF 1904, CHAP. 369.

Shore and marsh birds can be sold only during open season.

SECTION 6. Whoever buys, sells, exposes for sale, or has in possession any of the birds named in and protected by section five or section seven of this chapter, during the time within which the taking or killing thereof is prohibited, whenever or wherever such birds may have been taken or killed, shall be punished by a fine of ten dollars

for each bird; but a person, firm or corporation dealing in game or engaged in the cold storage business may have in possession, for storage purposes only, the so-called shore, marsh and beach birds during the time within which the taking or killing of them is prohibited.

REVISED LAWS, CHAP. 92, SECT. 7, AS AMENDED BY ACTS
OF 1907, CHAP. 250.

Relative to certain birds of prey.

SECTION 1. Whoever takes or kills a wild or undomesticated bird not named in sections two, three, four and five, except English sparrows, crow blackbirds, crows, jays, the following named birds of prey, — sharp-shinned hawk, cooper's hawk, goshawk, red-tailed hawk, red-shouldered hawk, duck hawk, pigeon hawk, barred owl, great horned owl and snowy owl, — wild geese and fresh water and sea fowl not named in said sections, or wilfully destroys, disturbs or takes a nest or eggs of any wild or undomesticated birds, except such as are not protected by the provisions of this section, shall be punished by a fine of ten dollars for each bird taken or killed or each nest or egg destroyed, disturbed or taken contrary to the provisions of this section; but a person over twenty-one years of age, who has a certificate from the commissioners on fisheries and game or from the president of the Boston Society of Natural History that he is engaged in the scientific study of ornithology or is collecting in the interest of a scientific institution, may at any season take or kill or take the nests and eggs of an undomesticated bird, except woodcock, ruffed grouse and quail; but the provisions of this section shall not authorize a person to enter upon private grounds without the consent of the owner thereof for the purpose of taking nests or eggs or killing birds. Said commissioners or the president of said society may at any time revoke such certificate.

SECTION 2. Section one of chapter one hundred and twenty-seven of the acts of the year nineteen hundred and two is hereby amended by striking out the words "birds of prey," in the fifth line, and inserting in place thereof the words: — the following named birds of prey, — sharp-shinned hawk, cooper's hawk, goshawk, red-tailed hawk, red-shouldered hawk, duck hawk, pigeon hawk, barred owl, great horned owl and snowy owl, — so as to read as follows: — *Section 1.* Whoever captures or has in possession a wild or undomesticated bird not named in sections two, three, four or five of chapter ninety-two of the Revised Laws, except English sparrows, crow blackbirds, crows, jays, the following named birds of prey, — sharp-shinned hawk, cooper's hawk, goshawk, red-tailed hawk, red-shouldered hawk, duck hawk, pigeon hawk, barred owl, great horned owl and snowy owl, — wild geese and fresh water and sea fowl not named in said sections, and birds which are not found wild within the commonwealth of Massachusetts, shall be punished by a fine of ten dollars, but this act shall not apply to birds held in captivity before this act takes effect.

ACTS OF 1903, CHAP. 329.

Bodies or feathers of certain birds.

SECTION 1. Whoever has in possession the body or feathers of a bird, the taking or killing of which is prohibited by the provisions of the preceding section or of section five of this chapter whether taken in this commonwealth or elsewhere, or wears such feathers for the purpose of dress or ornament, shall be punished by a fine of ten dollars; but the provisions of this section shall not prohibit the taking or killing of such birds by the holders of certificates provided for in the preceding section, nor shall they apply to natural history associations or to the proprietors of museums, or other collections for scientific

purposes, or to non-residents of the commonwealth passing through it or temporarily dwelling therein.

ACTS OF 1911, CHAP. 198.

Protection of homing pigeons.

SECTION 1. It shall be unlawful for any person, not being the rightful owner, to catch, detain, shoot or kill, injure, or in any way interfere with a homing or carrier pigeon, or to remove any identification mark, band or other thing from such a pigeon.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not less than twenty-five nor more than fifty dollars for each pigeon in respect to which the violation occurs.

ACTS OF 1907, CHAP. 161.

Special game laws in Bristol county made uniform with the General Laws.

Chapter three hundred and sixty-six of the acts of the year nineteen hundred and four is hereby repealed.

ACTS OF 1911, CHAP. 172.

Gray squirrels.

SECTION 1. It shall be unlawful except only between the fifteenth day of October and the fifteenth day of November of each year, both days inclusive, to hunt, take or kill a gray squirrel, or to sell, or offer for sale, or to have in possession for the purpose of sale, a gray squirrel, wherever taken or killed, or to take or kill at any time a gray squirrel by means of a trap, net or snare, or for the purpose of killing a gray squirrel to construct or set a trap, snare or net.

SECTION 2. This act shall not apply to the owner or occupant of any dwelling house or other building who shall find any gray squirrel doing an actual and substantial damage to the same, or to any fruit tree, grain or other growing cultivated crop.

SECTION 3. Chapter five hundred and sixty-four of the acts of the year nineteen hundred and ten is hereby repealed.

SECTION 4. Whoever violates any provision of this act shall forfeit not less than ten nor more than twenty-five dollars for each offence.

ACTS OF 1911, CHAP. 118.

Hares and rabbits.

SECTION 1. It shall be unlawful to hunt, take or kill a hare or rabbit between the first day of March and the fifteenth day of October, both inclusive, or to buy or sell or offer for sale a hare or rabbit taken or killed during the said period in this commonwealth, or taken or killed at any time contrary to the laws of any other state or country. But any person may buy or sell hares or rabbits at any time: *provided*, that they were not taken or killed contrary to the laws of this commonwealth or of any other state or country.

SECTION 2. It shall be unlawful at any time to remove or attempt to remove a hare or rabbit from any hole in the ground or from any stone wall or from under any ledge or stone or log or tree, and it shall be unlawful to take or kill a hare or rabbit by a trap, snare or net, or for that purpose to construct or set a trap, snare or net, or to use a ferret. The possession of a ferret in a place where hares or rabbits might be taken or killed shall be prima facie evidence that the person having the ferret in possession has used it for taking and killing hares or rabbits contrary to law. Ferrets used in violation hereof shall be confiscated.

SECTION 3. This act shall not be construed to prohibit farmers and fruit growers from trapping rabbits in box traps at any time during the year: *provided*, first, that such trapping is done on land owned or leased by the person setting the trap and used for the raising of fruit, vege-

tables or other products by the person so trapping shall first have made an affidavit before a justice of the peace that hares or rabbits have injured fruit, vegetables or other products on his said premises and shall have forwarded the affidavit so made to the commissioners on fisheries and game; and thirdly, that the said commissioners have issued to him a permit so to trap. It shall be unlawful to barter or sell hares or rabbits trapped in accordance with the provisions of this section.

SECTION 4. Chapter four hundred and sixty-six of the acts of the year nineteen hundred and nine and section two of chapter five hundred and thirty-three of the acts of the year nineteen hundred and ten are hereby repealed.

SECTION 5. Whoever violates any provision of this act shall be punished by a fine not exceeding ten dollars for each offence.

ACTS OF 1910, CHAP. 533, AS AMENDED BY ACTS OF 1911,
CHAP. 101.

Use of traps, snares, torches, swivel guns, ferrets, power boats, etc., illegal.

SECTION 1. It shall be unlawful to take or kill a game bird or water fowl by means of a trap, net or snare, or for the purpose of killing a game bird or water fowl to construct or set a trap, net or snare, or to pursue, shoot at or kill any wild fowl, or any of the so-called shore, marsh or beach birds, with a swivel or pivot gun, or by the use of a torch, jack or artificial light, or by the aid or use of any boat or floating device propelled by steam, naphtha, gasolene, electricity, compressed air, or any similar motive power, or by any mechanical means other than sails, oars or paddles. But the provisions of this chapter shall not apply to persons shooting at, or killing said birds from such boats or floating devices if the same are at anchor.

SECTION 2. [Chapter 533, Acts of 1910, repealed by chapter 118, Acts of 1911.]

SECTION 3. The provisions of the preceding section shall not apply to the trapping, other than by snare, of hares and rabbits upon his land by an owner of land, or by a member of his family if authorized by him, between the fifteenth day of October and the first day of December.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine not exceeding twenty-five dollars for each offence.

SECTION 5. Section twelve of chapter ninety-two of the Revised Laws, as amended by chapter two hundred and seventy-eight of the acts of the year nineteen hundred and six, and section eleven of said chapter ninety-two, as amended by chapter two hundred and forty-one of the acts of the year nineteen hundred and six, and by chapter three hundred and twenty-eight of the acts of the year nineteen hundred and nine are hereby repealed.

ACTS OF 1911, CHAP. 215.

Trapping with scented bait forbidden.

Every person who shall set, place or locate a trap or snare of any kind with scent, so-called, or scented bait upon or near the premises of another, without the consent of the owner and occupant of said premises, shall, upon conviction, be punished for each offence by a fine of not more than fifty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Shooting, Plymouth bay.

SECTION 13. Whoever in Plymouth harbor or bay, so-called, including the waters adjacent to the towns of Plymouth, Kingston and Duxbury, shoots at, kills or pursues a black duck, goose, brant or other aquatic bird by the use of

a sneak boat, raft, floating box or similar device, not an ordinary dory or rowboat, or by the use of a pivot gun or swivel gun or any other firearm not usually held and discharged from the shoulder shall be punished by a fine of not less than ten nor more than fifty dollars.

Trespass.

SECTION 14. Whoever, for the purpose of shooting or trapping, enters upon land without permission of the owner thereof, after such owner has conspicuously posted thereon notice that shooting or trapping thereon is prohibited, shall be punished by a fine of not more than twenty dollars.

Ownership of game.

SECTION 15. Game artificially propagated and maintained upon land, upon which notice has been posted as provided in the preceding section, shall be the exclusive property of the person propagating and maintaining it, but if he sells such game for food at seasons when its capture is prohibited by law, he shall be punished by a fine of not more than twenty dollars.

ACTS OF 1909, CHAP. 309.

Pheasants.

SECTION 1. It shall be unlawful to hunt, pursue, take or kill, sell or offer for sale or to have in possession, a pheasant of any kind or the flesh of any pheasant except as hereinafter provided.

SECTION 2. Upon application to the commissioners on fisheries and game, written permission may be granted to any person to engage in the rearing of pheasants and to dispose of the same, under such rules and regulations, approved by the governor and council, as may be made from time to time by the commissioners; and such artificially propagated pheasants may be bought or sold or had in possession at any season of the

year, and any person receiving such permission may hunt, pursue, take or kill such pheasants upon the land owned or leased by him.

SECTION 3. Whoever violates any provision of this act, or any rule or regulation made as aforesaid, shall be punished by a fine not exceeding fifty dollars for each bird or part thereof in respect to which the violation occurs.

SECTION 4. Chapter four hundred and seventy-seven of the acts of the year nineteen hundred and eight is hereby repealed.

ACTS OF 1910, CHAP. 545.

The taking or killing of deer.

SECTION 1. It shall be unlawful, except as hereinafter provided, to hunt, pursue, wound or kill a deer, or to sell or offer for sale, or to have in possession for the purpose of sale, a deer or the flesh of a deer captured or killed in this commonwealth: *provided*, that this act shall not apply to a tame deer belonging to any person and kept on his own premises; and *provided*, *further*, that any farmer or other person may, on land owned or occupied by him, pursue, wound or kill any deer found destroying or injuring any fruit tree or any crop, except grass growing on uncultivated land; and he may authorize any member of his family, or any person employed by him so to pursue, wound or kill a deer under the circumstances above specified. In the event of the wounding or killing of a deer as aforesaid, it shall be the duty of the person by whom or under whose direction the deer was wounded or killed to mail or otherwise transmit within twenty-four hours thereafter to the commissioners on fisheries and game a report in writing signed by him, of the facts relative to the said wounding or killing. The said report shall state the time and the place of the wounding or killing, and the kind of tree or crop injured or destroyed by the deer. It shall be unlawful to sell or offer

for sale the whole or any part of a deer killed under the aforesaid provision.

SECTION 2. Any person who is duly licensed to hunt in this commonwealth according to the provisions of chapter four hundred and eighty-four of the acts of the year nineteen hundred and eight as amended by chapter three hundred and twenty-five of the acts of the year nineteen hundred and nine may, between sunrise of the third Monday of November and sunset of the following Saturday, hunt, pursue, take or kill by the use of a shotgun, a wild deer, in the counties of Berkshire, Franklin, Hampden, Hampshire and Worcester, subject to the following restrictions and provisions: No person shall kill or have in possession more than one deer killed under the provisions of this section. No deer shall be hunted, taken or killed on land posted in accordance with the provisions of section fourteen of chapter ninety-two of the Revised Laws, or in violation of any city ordinance or town by-law, or in any state reservation, or by any method prohibited by law. It shall be unlawful to make, set or use any trap, salt lick or other device for the purpose of ensnaring, enticing, taking, injuring or killing a deer. Whoever wounds or kills a deer under the provisions of this section shall make a report in writing, signed by him, and mailed or otherwise transmitted within twenty-four hours, of said wounding or killing, to the commissioners on fisheries and game, stating the facts relative to the wounding or killing.

SECTION 3. Nothing in this act shall be construed as affecting the provisions of section eighteen of chapter ninety-two of the Revised Laws, as amended by chapter two hundred and forty-five of the acts of the year nineteen hundred and five.

SECTION 4. Section seventeen of chapter ninety-two of the Revised Laws, as amended by

chapter three hundred and seven of the acts of the year nineteen hundred and seven, and by chapter three hundred and seventy-seven of the acts of the year nineteen hundred and eight, and by chapter three hundred and ninety-six of the acts of the year nineteen hundred and nine is hereby repealed.

SECTION 5. A violation of any provision of this act shall be punished by fine not exceeding one hundred dollars for each offence.

AS AMENDED BY ACTS OF 1905, CHAP. 245.

Protection of deer from dogs.

SECTION 18. The owner or keeper of a dog found chasing or hunting deer at any time may be punished by a fine of not more than twenty dollars. Any of the commissioners on fisheries and game, or their deputies, or any member of the district police, or any officer qualified to serve criminal process, may kill a dog found chasing or hunting deer at any time if the dog is used for such purpose with the knowledge and consent of such owner or keeper, and the owner or keeper of such dog shall be punished by a fine of fifty dollars. If a dog has twice been found chasing or hunting deer, and if the owner or keeper of the dog has so been notified on each occasion by the commissioners on fisheries and game, it shall be a presumption of law, if the same dog is thereafter found chasing or hunting deer, that such chasing or hunting was with the knowledge and consent of the said owner or keeper, unless the contrary is shown by evidence.

ACTS OF 1903, CHAP. 407.

Recovery for damages caused by wild deer.

Whoever suffers loss by the eating, browsing or trampling of his fruit or ornamental trees, vegetables, produce or crops by wild deer may, if the damage is done in a city, inform the officer

of police of said city, who shall be designated to receive such information by the mayor, and if the damage is done in a town, may inform the chairman of the selectmen of the town wherein the damage was done, who shall proceed to the premises where the damage was done and determine whether the same was inflicted by deer, and if so, appraise the amount thereof if it does not exceed twenty dollars. If, in the opinion of said officer of police or chairman, the amount of said damage exceeds twenty dollars, he shall appoint two disinterested persons, who, with himself, shall appraise under oath the amount thereof. The said officer of police or chairman shall return a certificate of the damages found, except in the county of Suffolk, to the treasurer of the county in which the damage is done, within ten days after such appraisal is made. The treasurer shall thereupon submit the same to the county commissioners, who, within thirty days, shall examine all such bills, and if any doubt exists, may summon the appraisers and all parties interested and make such examination as they may think proper, and he shall transmit such bills, properly approved, to the auditor of accounts, and they shall be paid out of the treasury of the commonwealth in the same manner as other claims against the commonwealth. In the county of Suffolk the certificate of damages shall be returned to the treasurer of the city or town in which the damage is done, who shall exercise and perform the rights and duties hereby conferred and imposed upon the county commissioners in other counties. The appraisers shall receive from the county, — or in the county of Suffolk, from the city or town treasurer — one dollar each for every such examination made by them, and the officer or the chairman of selectmen acting in the case shall receive twenty cents a mile, one way, for his necessary travel.

Authority of commissioners.

SECTION 19. The authority of the commissioners on fisheries and game and of their deputies shall extend to the propagation, protection and preservation of birds and animals in like manner as to fish.

AS AMENDED BY ACTS OF 1907, CHAP. 300.

Disposal of fines.

SECTION 20. [Repealed March 31, 1908; compare Acts of 1908, chapter 330, p. 82.]

Game not to be transported out of state.

SECTION 21. Whoever at any time takes or sends or causes to be taken or transported beyond the limits of the commonwealth a woodcock, quail or ruffed grouse, which has been taken or killed within the commonwealth, or has in possession such bird or birds with intent to take or cause the same to be taken out of the commonwealth, shall be punished by a fine of ten dollars for every bird so had in possession or taken or caused to be taken or sent beyond the limits of the commonwealth as aforesaid.

ACTS OF 1902, CHAP. 236.

SECTION 1. Whoever, except as provided in section twenty-one of chapter ninety-two of the Revised Laws, takes or sends or causes to be taken or sent out of the commonwealth any bird or animal protected by the provisions of said chapter which has illegally been taken or killed within the commonwealth; and whoever has in possession any such bird or animal with intent to take or send the same or to cause the same to be taken or sent out of the commonwealth, shall be punished by a fine of twenty dollars for every bird or animal so had in possession or taken or sent beyond the limits of the commonwealth.

SECTION 2. Section twenty-two of chapter ninety-two of the Revised Laws is hereby repealed.

Introduction of foxes or raccoons into Dukes County prohibited.

SECTION 23. Whoever knowingly introduces into the county of Dukes County and liberates therein a fox or raccoon shall be punished for each offence by a fine of not less than twenty-five nor more than fifty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment. The county commissioners of said county may offer a reward for the destruction of hawks, foxes and raccoons, and authorize the payment thereof by the county upon proper proof of such destruction.

English sparrows to be killed.

SECTION 24. The officers having charge of public buildings in cities and such officers as the selectmen designate and appoint in towns shall take and enforce such reasonable means and use such appliances, except poison, as in their judgment will effectively exterminate the English sparrow in such city or town. Whoever wilfully resists such officers while engaged in such duties or knowingly interferes with the means used by them for such purpose so as to render them less effective shall be punished by a fine of not more than twenty-five dollars for each offence. The provisions of this section shall not authorize an officer to enter on private property without the consent of the owner or occupant thereof.

ACTS OF 1903, CHAP. 344.

A bounty for killing a wild cat, Canada lynx or loup-cervier.

SECTION 1. Whoever in any town kills a wild cat, Canada lynx or loup-cervier not being in captivity shall, upon producing satisfactory evi-

dence of such killing, be entitled to receive from the treasurer of the town the sum of five dollars; and all sums so paid out shall be repaid to the town treasurer by the treasurer of the county in which the town is situated: *provided*, that a sworn statement thereof shall be transmitted by the town treasurer to the county treasurer.

LIST OF PONDS STOCKED IN ACCORDANCE WITH SECTION 19, CHAPTER 91, REVISED LAWS, AS AMENDED BY ACTS OF 1903, CHAPTER 274, AND ACTS OF 1907, CHAPTER 306.

Ponds stocked in 1903.

Robin's Pond	.	.	East Bridgewater	.	Closed until Dec. 1, 1911
Lake Dennison	.	.	Winchendon	.	Closed until Dec. 1, 1911
Boot Pond	.	.	Flymouth	.	Closed until Dec. 1, 1911
Eddy Pond	.	.	Auburn	.	Closed until Dec. 1, 1911
Crystal Lake	.	.	Haverhill	.	Closed until Dec. 1, 1911
Lake Nagog	.	.	Acton and Littleton	.	Closed until Dec. 1, 1911

Ponds stocked in 1909.

Pratt Pond	.	.	Upton	.	Closed until Nov. 1, 1912
Stetson Pond	.	.	Pembroke	.	Closed until Nov. 1, 1912
North Pond	.	.	Orange	.	Closed until Nov. 1, 1912
Nabnasset Pond	.	.	Westford	.	Closed until Nov. 1, 1912
Prospect Pond	.	.	Egremont	.	Closed until Nov. 1, 1912

Walden Pond	.	.	Concord	.	Closed until Nov. 1, 1912
Moore's Pond	.	.	Warwick	.	Closed until Nov. 1, 1912
Harris Pond	.	.	Methuen	.	Closed until Nov. 1, 1912
Martin's Pond	.	.	North Reading	.	Closed until Nov. 1, 1912
Gravel Pond	.	.	Hamilton	.	Closed until Nov. 1, 1812
Kelley's Pond	.	.	Dennis	.	Closed until Nov. 1, 1912

Ponds stocked in 1910.

Scaddings Pond	.	.	Taunton	.	Closed until Nov. 1, 1913
Little Herring Pond	.	.	Plymouth	.	Closed until Nov. 1, 1913
Little Chauncy Pond	.	.	Northborough	.	Closed until Nov. 1, 1913
Pelham Pond	.	.	Wayland	.	Closed until Nov. 1, 1913
Attitash Pond	.	.	Amesbury	.	Closed until Nov. 1, 1913
Fresh Pond	.	.	Dennis	.	Closed until Nov. 1, 1913
White Pond	.	.	Athol	.	Closed until Nov. 1, 1913
Russell Pond	.	.	Russell	.	Closed until Nov. 1, 1913
Muddy Pond	.	.	Kingston	.	Closed until Nov. 1, 1913

**DEPUTY FISH AND GAME COMMISSIONERS, WITH THE NUMBER OF THEIR DISTRICTS,
RESIDENCES AND TELEPHONE NUMBERS.**

WILLIAM W. NIXON, Chief Deputy, Room 158, State House. Telephone, Hay., 2700;
Residence Telephone, 2248-W Cambridge.

Assigned to District —	NAME.	Residence.	Telephone Number.
1	William H. Jones, .	Nantucket, .	24-32
2	Charles L. Savery, .	Vineyard Haven, .	—
3	Allan Keniston, .	Edgartown, .	6-21
4	Everett B. Mecarta, .	Harwich, .	36-4
5	Samuel J. Lowe, .	New Bedford, .	761-2
6	Allen A. David, .	Taunton, .	966-1
7	Nathan W. Pratt, .	Middleborough, .	153-4
8	Charles E. Tribou, .	Brockton, .	2101
9	William H. Leonard, .	East Foxborough, .	Foxborough 9-4

10	{	James E. Bemis,	South Framingham,	564-J
11		William W. Nixon, <i>Chief Deputy</i> ,	Cambridge,	2248-W
12		Frederick W. Goodwin,	East Boston,	515-2
13		Carl E. Grant,	Essex,	1-3
14		Walter A. Larkin,	Andover,	32-12
15		Thomas L. Burney,	Lynn,	1983-3
16		James I. Mills,	Ayer,	51-2
17		George H. Brown,	Millbury,	26-13
18		A. D. Putnam,	Spencer,	75-4 or 75-6
19		Irving O. Converse,	Fitchburg,	269-1
20		Albert L. Stratton,	Athol,	24-O
21		Dennis F. Shea,	Ware,	132
22		John F. Luman,	Palmer,	17-5
23		James P. Hatch,	Springfield,	2458-1
24		Charles H. Gehle,	Westfield,	843 or 920
25		Lyman E. Ruberg,	Greenfield,	585
26		Arthur M. Nichols,	North Adams,	537-2
27		Fred R. Zeigler,	Pittsfield,	362-11
28		William W. Sargood,	Lee,	119-24

CITIES AND TOWNS ALPHABETICALLY ARRANGED, WITH THE NUMBER OF THE DISTRICT IN WHICH EACH IS INCLUDED.

8 Abington.	3 Bourne.
15 Acton.	15 Buxborough.
4 Acushnet.	13 Buxford.
26 Adams.	17 Boylston.
22 Agawam.	8 Braintree.
28 Alford.	3 Brewster.
13 Amesbury.	7 Bridgewater.
22 Amherst.	21 Brimfield.
13 Andover.	7 Brockton.
11 Arlington.	17 Brookfield.
18 Ashburnham.	11 Brookline.
18 Ashby.	25 Buckland.
25 Ashfield.	13 Burlington.
10 Ashland.	11 Cambridge.
19 Athol.	9 Canton.
5 Attleborough.	15 Carlisle.
17 Auburn.	6 Carver.
7 Avon.	26 Charlemont.
15 Ayer.	21 Charlton.
3 Barnstable.	3 Chatham.
20 Barre.	15 Chelmsford.
27 Becket.	11 Chelsea.
13 Bedford.	26 Cheshire.
20 Belchertown.	23 Chester.
9 Bellingham.	24 Chesterfield.
11 Belmont.	22 Chicopee.
5 Berkley.	2 Chilmark.
10 Berlin.	26 Clarksburg.
25 Bernardston.	17 Clinton.
12 Beverly.	8 Cohasset.
13 Billerica.	25 Colrain.
16 Blackstone.	15 Concord.
23 Blandford.	25 Conway.
15 Bolton.	24 Cummington.
11 Boston.	27 Dalton.

20 Dana.	23 Granville.
14 Danvers.	28 Great Barrington.
4 Dartmouth.	25 Greenfield.
11 Dedham.	20 Greenwich.
25 Deerfield.	15 Groton.
3 Dennis.	13 Groveland.
5 Dighton.	22 Hadley.
16 Douglas.	7 Halifax.
10 Dover.	12 Hamilton.
13 Dracut.	22 Hampden.
21 Dudley.	27 Hancock.
15 Dunstable.	8 Hanover.
7 Duxbury.	7 Hanson.
7 East Bridgewater.	20 Hardwick.
22 East Longmeadow.	15 Harvard.
3 Eastham.	3 Harwich.
24 Easthampton.	24 Hatfield.
7 Easton.	13 Haverhill.
2 Edgartown.	26 Hawley.
28 Egremont.	26 Heath.
20 Enfield.	8 Hingham.
19 Erving.	27 Hinsdale.
12 Essex.	8 Holbrook.
11 Everett.	17 Holden.
4 Fairhaven.	21 Holland.
5 Fall River.	10 Holliston.
2 Falmouth.	22 Holyoke.
18 Fitchburg.	16 Hopedale.
26 Florida.	10 Hopkinton.
9 Foxborough.	19 Hubbardston.
10 Framingham.	10 Hudson.
9 Franklin.	8 Hull.
4 Freetown.	23 Huntington.
19 Gardner.	11 Hyde Park.
2 Gay Head.	12 Ipswich.
12 Georgetown.	7 Kingston.
25 Gill.	6 Lakeville.
12 Gloucester.	18 Lancaster.
24 Goshen.	27 Lanesborough.
2 Gosnold.	13 Lawrence.
16 Grafton.	28 Lee.
22 Granby.	17 Leicester.

134 DISTRICTS, CITIES AND TOWNS.

28	Lenox.	28	Mount Washington.
18	Leominster.	14	Nahant.
25	Leverett.	1	Nantucket.
14	Lexington.	10	Natick.
25	Leyden.	11	Needham.
10	Lincoln.	26	New Ashford.
15	Littleton.	4	New Bedford.
22	Longmeadow.	17	New Braintree.
13	Lowell.	28	New Marlborough.
22	Ludlow.	20	New Salem.
18	Lunenburg.	12	Newbury.
14	Lynn.	12	Newburyport.
14	Lynnfield.	11	Newton.
14	Malden.	9	Norfolk.
12	Manchester.	26	North Adams.
9	Mansfield.	13	North Andover.
14	Marblehead.	9	N. Attleborough.
4	Marion.	17	North Brookfield.
10	Marlborough.	14	North Reading.
8	Marshfield.	24	Northampton.
3	Mashpee.	16	Northborough.
4	Mattapoisett.	16	Northbridge.
15	Maynard.	25	Northfield.
9	Medfield.	5	Norton.
14	Medford.	8	Norwell.
9	Medway.	9	Norwood.
14	Melrose.	2	Oak Bluffs.
16	Mendon.	17	Oakham.
13	Merrimac.	19	Orange.
13	Methuen.	3	Orleans.
6	Middleborough.	28	Otis.
23	Middlefield.	16	Oxford.
14	Middleton.	21	Palmer.
10	Milford.	17	Paxton.
16	Millbury.	14	Peabody.
9	Millis.	20	Pelham.
11	Milton.	7	Pembroke.
26	Monroe.	15	Pepperell.
21	Monson.	27	Peru.
25	Montague.	20	Petersham.
28	Monterey.	19	Phillipston.
23	Montgomery.	27	Pittsfield.

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| 25 Plainfield. | 21 Southbridge. |
| 9 Plainville. | 23 Southwick. |
| 6 Plymouth. | 17 Spencer. |
| 7 Plympton. | 22 Springfield. |
| 20 Prescott. | 18 Sterling. |
| 18 Princeton. | 28 Stockbridge. |
| 3 Provincetown. | 14 Stoneham. |
| 8 Quincy. | 9 Stoughton. |
| 8 Randolph. | 15 Stow. |
| 5 Raynham. | 21 Sturbridge. |
| 14 Reading. | 10 Sudbury. |
| 5 Rehoboth. | 25 Sunderland. |
| 14 Revere. | 16 Sutton. |
| 27 Richmond. | 14 Swampscott. |
| 4 Rochester. | 5 Swansea. |
| 8 Rockland. | 5 Taunton. |
| 12 Rockport. | 19 Templeton. |
| 26 Rowe. | 13 Tewksbury. |
| 12 Rowley. | 2 Tisbury. |
| 19 Royalston. | 23 Tolland. |
| 23 Russell. | 14 Topsfield. |
| 17 Rutland. | 18 Townsend. |
| 14 Salem. | 3 Truro. |
| 13 Salisbury. | 15 Tyngsborough. |
| 28 Sandisfield. | 28 Tyringham. |
| 3 Sandwich. | 16 Upton. |
| 14 Saugus. | 16 Uxbridge. |
| 26 Savoy. | 14 Wakefield. |
| 8 Scituate. | 21 Wales. |
| 5 Seekonk. | 9 Walpole. |
| 9 Sharon. | 10 Waltham. |
| 28 Sheffield. | 20 Ware. |
| 25 Shelburne. | 6 Wareham. |
| 10 Sherborn. | 21 Warren. |
| 15 Shirley. | 19 Warwick. |
| 16 Shrewsbury. | 27 Washington. |
| 20 Shutesbury. | 11 Watertown. |
| 5 Somerset. | 10 Wayland. |
| 11 Somerville. | 16 Webster. |
| 22 South Hadley. | 10 Wellesley. |
| 24 Southampton. | 3 Wellfleet. |
| 10 Southborough. | 19 Wendell. |

136 *DISTRICTS, CITIES AND TOWNS.*

12 Wenham.	8 Weymouth.
17 West Boylston.	25 Whately.
7 West Bridgewater.	7 Whitman.
21 West Brookfield.	22 Wilbraham.
12 West Newbury.	24 Williamsburg.
22 West Springfield.	26 Williamstown.
28 West Stockbridge.	13 Wilmington.
2 West Tisbury.	19 Winchendon.
16 Westborough.	14 Winchester.
23 Westfield.	27 Windsor.
15 Westford.	11 Winthrop.
24 Westhampton.	14 Woburn.
18 Westminster.	17 Worcester.
10 Weston.	24 Worthington.
4 Westport.	9 Wrentham.
9 Westwood.	3 Yarmouth.

LIST OF CITIES AND TOWNS INCLUDED IN EACH DISTRICT ASSIGNED TO DEPUTY FISH AND GAME COMMISSIONERS.

District No. 1.

Deputy WILLIAM H. JONES, Nantucket.

Telephone, 24-32.

Nantucket.

District No. 2.

Deputy CHARLES L. SAVERY, Vineyard Haven.

Telephone,

Deputy ALLAN KENISTON, Edgartown.

Telephone, 6-21.

Chilmark.
Edgartown.
Falmouth.
Gay Head.

Gosnold.
Oak Bluffs.
Tisbury.
West Tisbury.

District No. 3.

Deputy EVERETT B. MECARTA, Harwich.

Telephone, 36-4.

Barnstable.
Bourne.
Brewster.
Chatham.
Dennis.
Eastham.
Harwich.

Mashpee.
Orleans.
Provincetown.
Sandwich.
Truro.
Wellfleet.
Yarmouth.

District No. 4.

Deputy SAMUEL J. LOWE, New Bedford.

Telephone, 761-2.

Acushnet.
Dartmouth.
Fairhaven.
Freetown.
Marion.

Mattapoisett.
New Bedford.
Rochester.
Westport.

District No. 5.

Deputy ALLEN A. DAVID, Taunton.
Telephone, 966-1.

Attleborough.	Rehoboth.
Berkley.	Seekonk.
Dighton.	Somerset.
Fall River.	Swansea.
Norton.	Taunton.
Raynham.	

District No. 6.

Deputy NATHAN W. PRATT, Middleborough.
Telephone, 153-4.

Carver.	Plymouth.
Lakeville.	Wareham.
Middleborough.	

District No. 7.

Deputy CHARLES E. TRIBOU, Brockton.
Telephone, 2101.

Avon.	Hanson.
Bridgewater.	Kingston.
Brockton.	Pembroke.
Duxbury.	Plympton.
East Bridgewater.	West Bridgewater.
Easton.	Whitman.
Halifax.	

District No. 8.

Deputy,
Telephone,

Abington.	Marshfield.
Braintree.	Norwell.
Cohasset.	Quincy.
Hanover.	Randolph.
Hingham.	Rockland.
Holbrook.	Scituate.
Hull.	Weymouth.

District No. 9.

Deputy **WILLIAM H. LEONARD**, East Foxborough.
Telephone, Foxborough 9-4.

Bellingham.	North Attleborough.
Canton.	Norwood.
Foxborough.	Plainville.
Franklin.	Sharon.
Mansfield.	Stoughton.
Medfield.	Walpole.
Medway.	Westwood.
Millis.	Wrentham.
Norfolk.	

District No. 10.

Deputy **JAMES E. BEMIS**, South Framingham.
Telephone, 564-J.

Ashland.	Milford.
Berlin.	Natick.
Dover.	Sherborn.
Framingham.	Southborough.
Holliston.	Sudbury.
Hopkinton.	Waltham.
Hudson.	Wayland.
Lincoln.	Wellesley.
Marlborough.	Weston.

District No. 11.

Deputy **FREDERICK W. GOODWIN**, East Boston.
Telephone, East Boston 515-2.

Arlington.	Hyde Park.
Belmont.	Milton.
Boston.	Needham.
Brookline.	Newton.
Cambridge.	Somerville.
Chelsea.	Watertown.
Dedham.	Winthrop.
Everett.	

District No. 12.

Deputy **CARL E. GRANT**, Essex.
Telephone, 1-3.

Beverly.	Newbury.
Essex.	Newburyport.
Georgetown.	Rockport.
Gloucester.	Rowley.
Hamilton.	Wenham.
Ipswich.	West Newbury.
Manchester.	

District No. 13.

Deputy **WALTER A. LARKIN**, Andover.
Telephone, Andover 32-12.

Amesbury.	Lawrence.
Andover.	Lowell.
Bedford.	Merrimac.
Billerica.	Methuen.
Boxford.	North Andover.
Burlington.	Salisbury.
Dracut.	Tewksbury.
Groveland.	Wilmington.
Haverhill.	

District No. 14.

Deputy **THOMAS L. BURNEY**, Lynn.
Telephone, 1983-3.

Danvers.	Peabody.
Lexington.	Reading.
Lynn.	Revere.
Lynnfield.	Salem.
Malden.	Saugus.
Marblehead.	Stoneham.
Medford.	Swampscott.
Melrose.	Topsfield.
Middleton.	Wakefield.
Nahant.	Winchester.
North Reading.	Woburn.

District No. 15.

Deputy JAMES I. MILLS, Ayer.
Telephone, 51-2.

Acton.	Harvard.
Ayer.	Littleton.
Bolton.	Maynard.
Boxborough.	Pepperell.
Carlisle.	Shirley.
Chelmsford.	Stow.
Concord.	Tyngsborough.
Dunstable.	Westford.
Groton.	

District No. 16.

Deputy GEORGE H. BROWN, Millbury.
Telephone, 26-13.

Blackstone.	Oxford.
Douglas.	Shrewsbury.
Grafton.	Sutton.
Hopedale.	Upton.
Mendon.	Uxbridge.
Millbury.	Webster.
Northborough.	Westborough.
Northbridge.	

District No. 17.

Deputy A. D. PUTNAM, Spencer.
Telephone, 75-4 or 75-6.

Auburn.	North Brookfield.
Boylston.	Oakham.
Brookfield.	Paxton.
Clinton.	Rutland.
Holden.	Spencer.
Leicester.	West Boylston.
New Braintree.	Worcester.

District No. 18.

Deputy IRVING O. CONVERSE, Fitchburg.

Telephone, 269-1.

Ashby.	Lunenburg.
Ashburnham.	Princeton.
Fitchburg.	Sterling.
Lancaster.	Townsend.
Leominster.	Westminster.

District No. 19.

Deputy ALBERT L. STRATTON, Athol.

Telephone, 24-O.

Athol.	Royalston.
Erving.	Templeton.
Gardner.	Warwick.
Hubbardston.	Wendell.
Orange.	Winchendon.
Phillipston.	

District No. 20.

Deputy DENNIS F. SHEA, Ware.

Telephone, 132.

Barre.	New Salem.
Belchertown.	Pelham.
Dana.	Petersham.
Enfield.	Prescott.
Greenwich.	Shutesbury.
Hardwick.	Ware.

District No. 21.

Deputy JOHN F. LUMAN, Palmer.

Telephone, 17-5.

Brimfield.	Southbridge.
Charlton.	Sturbridge.
Dudley.	Wales.
Holland.	Warren.
Monson.	West Brookfield.
Palmer.	

District No. 22.

Deputy JAMES P. HATCH, Springfield.
Telephone, 2458-1.

Agawam.	Holyoke.
Amherst.	Longmeadow.
Chicopee.	Ludlow.
East Longmeadow.	South Hadley.
Granby.	Springfield.
Hadley.	West Springfield.
Hampden.	Wilbraham.

District No. 23.

Deputy CHARLES H. GEHLE, Westfield.
Telephone, 843 or 920.

Blandford.	Montgomery.
Chester.	Russell.
Granville.	Southwick.
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